



**City of Hamilton  
PLANNING COMMITTEE  
AGENDA**

**Meeting #:** 23-008  
**Date:** May 16, 2023  
**Time:** 9:30 a.m.  
**Location:** Council Chambers (Planning)  
Hamilton City Hall  
71 Main Street West

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

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	<b>Pages</b>
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14.1	Outstanding Business List	
	a. Items to be Added	
	23H - Five-Year Review of the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan and Associated Financial Assistance Programs (PED23076) (City Wide) (Item 8.2). Item referred to the Planning Committee but the General Issues Committee on April 28, 2023.	
	23i - Renovictions Stakeholder Consultation (HSC23023) (City Wide) (Item 8.1). Item (b) referred to the Planning Committee by the Emergency and Community Services Committee on April 26, 2023.	
<b>15.</b>	<b>PRIVATE AND CONFIDENTIAL</b>	

- 15.1 Update on Ontario Land Tribunal (OLT) Appeals for 41-61 Wilson Street and 97, 99 and 117 John Street North; and 474 Provident Way; and 16 Cannon Street East (LS23016/PED23102) (City Wide)  
Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Subsections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

## 16. ADJOURNMENT



## PLANNING COMMITTEE MINUTES

### 23-007

May 2, 2023

9:30 a.m.

**Council Chambers, Hamilton City Hall  
71 Main Street West**

**Present:** Councillor J.P. Danko (Chair)  
Councillor T. Hwang (1st Vice Chair)  
Councillor C. Cassar (2nd Vice Chair)  
Councillors J. Beattie, M. Francis, C. Kroetsch, T. McMeekin,  
N. Nann, E. Pauls, M. Tadeson, A. Wilson, M. Wilson

#### THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Draft Biodiversity Action Plan for Consultation (PED21065(c)) (City Wide) (Item 8.1)**
  - (i) **(A. Wilson/Cassar)**
    - (a) That Appendix "A" attached to Report PED21065(c), "Draft Biodiversity Action Plan – March 2023", be received;
    - (b) That Planning and Economic Development staff be authorized to assist the Hamilton Naturalists' Club and other Biodiversity Action Plan partners to undertake public and stakeholder consultation on the Draft Biodiversity Action Plan attached as Appendix "A" to report PED21065(c);
    - (c) That Planning and Economic Development staff be directed to report back to Planning Committee, summarizing the public input together with the final Hamilton Biodiversity Action Plan by Q4 of 2023;
    - (d) That the Clerk provide written communication to the Ville de Montreal to confirm that the City of Hamilton will become a signatory to The Montreal Pledge – Cities United in Action for Biodiversity.
    - (e) ***That the Biodiversity Action Plan partners include as part of the consultation on the draft Biodiversity Action Plan, the Global Biodiversity Framework (GBF) adopted at the 15th***

***Conference of Parties to the UN Convention on Biological Diversity, and that the partners seek input from the public on the potential for including the 23 targets of the GBF as the community-wide targets for Hamilton's Biodiversity Action Plan; and***

- (f) ***That as part of the report back on the proposed final Biodiversity Action Plan, that staff include recommendations, including staffing and financial impacts, for a Biodiversity Action Plan governance and staffing structure that ensures a whole-of-community approach to implementation.***

**Result: Main Motion, as Amended, CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

- (ii) **Draft Biodiversity Action Plan - *City of Hamilton's Natural Areas Acquisition Fund***

**(A. Wilson/Beattie)**

WHEREAS the City wants to take immediate action to advance and implement the Biodiversity Action Plan;

WHEREAS in 2015 through Report PED09007(b) City Council approved Guidelines to implement a Natural Areas Acquisition Fund (NAAF) to purchase and protect significant natural heritage properties within the City;

WHEREAS the NAAF is a program through which the City provides funding to eligible Conservation Organizations for land acquisition (direct fee-simple or conservation easements) up to 50 percent of the acquisition cost to a maximum of \$50,000 per property;

WHEREAS the City approved \$100,000 in funding for the NAAF in 2016 which was ultimately awarded to the Hamilton Conservation Authority in 2017 to support the acquisition of four properties (\$25,000 per property);

WHEREAS no further funding has been available for the NAAF since 2017; and

WHEREAS the acquisition and protection of natural areas is a critical contributor to the successful implementation of the Biodiversity Action Plan, as well as the City's Climate Action Strategy

THEREFORE, BE IT RESOLVED:

- (a) That \$150,000 from the Climate Change Reserve (108062) be allocated to the City of Hamilton's Natural Areas Acquisition Fund; and
- (b) That staff be authorized and directed to initiate an intake for proposals under the Natural Areas Acquisition Fund based on the same Natural Areas Acquisition Fund Strategy Implementation Guidelines previously approved by Council through Report PED09007(b)

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**(iii) Draft Biodiversity Action Plan - *Natural Areas Inventory for the City of Hamilton***

**(A. Wilson/Hwang)**

WHEREAS the City wants to take immediate action to advance and implement the Biodiversity Action Plan;

WHEREAS proposed Action 2.3 of the draft Biodiversity Action Plan relates to updating the Natural Areas Inventory for the City of Hamilton; WHEREAS proposed Action 2.1 of the draft Biodiversity Action Plan is to develop a “State of the Environment” report to periodically track the City’s progress towards natural heritage protection goals and report on on-going City initiatives related to natural heritage, which will require updating the Hamilton Natural Areas Inventory to set a baseline by which to measure changes over time, both positive in response to actions such as natural areas protection and restoration, and negative changes from impacts such as climate change, land use change, and invasive species;

WHEREAS the City of Hamilton has historically funded the development of the Natural Areas Inventory led by the Hamilton Naturalists’ Club on a 10-year cycle, with updates having occurred in 1993, 2003 and 2013;

WHEREAS, as a result of this work, Hamilton likely has one of the richest municipal species datasets in Canada, and it is important to ensure this invaluable information continues to be kept current;

WHEREAS the Hamilton Naturalists' Club has indicated its interest and intention to undertake an update to the Natural Areas Inventory, and will be actively seeking partners to fund and support this critical work; and

WHEREAS developing and maintaining a Natural Areas Inventory is a critical contributor to the successful implementation of the Biodiversity Action Plan, as well as the City’s Climate Action Strategy.

THEREFORE, BE IT RESOLVED:

- (a) That \$200,000 from the Climate Change Reserve (108062) be allocated to support the updating of the Natural Areas Inventory for the City of Hamilton, through field work during the next 2-3 field seasons, with a goal of producing an updated Natural Areas Inventory report by 2025 or 2026;
- (b) That City staff work with the Hamilton Naturalists' Club and other Biodiversity Action Plan partners to develop the scope and terms of reference for the update to the Natural Areas Inventory, including identification of other potential funding partners; and
- (c) That the General Manager of Planning and Economic Development be authorized to enter into the necessary agreements with the Hamilton Naturalists’ Club and any other Biodiversity Action Plan partners as required for the implementation of the Natural Areas Inventory.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**2. Agriculture and Rural Affairs Advisory Committee Report 23-001 (Item 9.1)**

**(McMeekin/Beattie)**

**(a) Hamilton Agriculture Profile - 2021 Census of Agriculture Update (PED23092) (City Wide) (Item 9.1)**

That Report PED23092, respecting Hamilton Agriculture Profile - 2021 Census of Agriculture Update, be received.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**3. Housekeeping Amendments to City of Hamilton Zoning By-law No. 05-200, Former Township of Glanbrook Zoning By-law No. 464 and Former City of Stoney Creek Zoning By-law No. 3692-92 (PED23074) (City Wide) (Item 10.1)**

**(Kroetsch/Francis)**

- (a) That approval be given to City Initiative CI 23-E for housekeeping amendments to City of Hamilton Zoning By-law No. 05-200 on the following basis:
  - (i) That the Draft By-law, attached as Appendix “A”, to Report PED23074, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  
- (b) That approval be given to City Initiative CI 23-E for a housekeeping amendment to the former Township of Glanbrook Zoning By-law No. 464 on the following basis:
  - (i) That the Draft By-law, attached as Appendix “B” to Report PED23074, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;
  
- (c) That approval be given to City Initiative CI 23-E for a housekeeping amendment to the former City of Stoney Creek Zoning By-law No. 3692-92 on the following basis:
  - (i) That the Draft By-law, attached as Appendix “C” to Report PED23074, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place

to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**4. Application for Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 127 Freelton Road, Flamborough (PED23107) (Ward 13) (Item 10.2)**

**(A. Wilson/Beattie)**

- (a) That Rural Hamilton Official Plan Amendment Application RHOPA-23-002, by UrbanSolutions Planning & Land Development Consultants Inc. (agent) on behalf of Brian Didiodato (Owner), to amend the Rural Hamilton Official Plan to redesignate the subject lands from “Settlement Commercial” to “Settlement Residential” to permit the adaptive reuse of an vacant commercial building for a single detached dwelling for the lands located at 127 Freelton Road, Flamborough, as shown on Appendix “A” attached to Report PED23107, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23107, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan (2017) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment Application ZAR-23-002, by UrbanSolutions Planning & Land Development Consultants Inc. (agent) on behalf of Brian Didiodato (Owner), for a change in zoning from Settlement Commercial (S2) Zone to Settlement Residential (S1, 847) Zone, to permit

the adaptive reuse of an vacant commercial building for a single detached dwelling, for the lands known as 127 Freelton Road, Flamborough, as shown on Appendix “A” attached to Report PED23107, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED23107, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**5. City Ambassador on the Waterfront Trail (Item 12.1)**

**(Francis/Hwang)**

WHEREAS, the use of the Waterfront Trail has become popular with out of town cyclists many of whom are travelling at unsafe speeds, creating daily safety concerns for other trail users;

WHEREAS, the use of e-bikes, e-scooters and other electric powered devices are increasingly used on the waterfront trail, contrary to the City’s by-law;

WHEREAS, Licensing and By-law Services has previously hired summer students to act as Waterfront Trail Ambassadors as part of a pilot program to educate the public of City By-laws; and

WHEREAS, the Waterfront Trail Ambassador program was considered a success and well received by visitors, trail users and Beach Neighbourhood residents.

THEREFORE, BE IT RESOLVED:

- (a) That Licensing and By-law Services be directed to hire two summer students to act as City Ambassadors on the ***Hamilton Beach*** Waterfront Trail for the months of May through August 2023 at a cost of approximately \$32,392.86 to be funded by the Hamilton Beach Reserve Account 108037; and
- (b) ***That City staff in Planning and Economic Development report back on the outcomes of the City Ambassadors on the Hamilton Beach Waterfront program from May through August 2023 in Q4 2023, with an evaluation of the program, and recommendations as to whether it should be made permanent as part of the 2024 Budget process, and/or whether it should be extended to other areas of the City.***

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

## **5. COMMUNICATIONS**

- 5.1 Tys Theijsmeyer, Royal Botanical Gardens, respecting Draft Biodiversity Action Plan Support (Item 8.1)

Recommendation: Be received and referred to the consideration of Item 8.1.

### **(A. Wilson/Cassar)**

That the agenda for the May 2, 2023 Planning Committee meeting be approved, as amended.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

### **(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

### **(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

#### **(i) April 4, 2023 (Item 4.1)**

##### **(Kroetsch/Francis)**

That the Minutes of the April 18, 2023 meeting be approved, as presented.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**(d) COMMUNICATIONS**

**(M. Wilson/A. Wilson)**

That Item 5.1, Correspondence from Tys Theijsmeijer, Royal Botanical Gardens, respecting Draft Biodiversity Action Plan Support, be received and referred to the consideration of Item 8.1.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**(d) STAFF PRESENTATIONS (Item 8)**

**(i) Draft Biodiversity Action Plan for Consultation (PED21065(c)) (City Wide) (Item 8.1)**

Lauren Vraets, Senior Planner, Sustainable Communities provided the Committee with a presentation respecting PED21065(c), Draft Biodiversity Action Plan for Consultation.

**(A. Wilson/McMeekin)**

That the presentation respecting Report PED21065(c), Draft Biodiversity Action Plan for Consultation (PED21065(c)) (City Wide), be received.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**(A. Wilson/Cassar)**

- (a) That Appendix “A” attached to Report PED21065(c), “Draft Biodiversity Action Plan – March 2023”, be received;
- (b) That Planning and Economic Development staff be authorized to assist the Hamilton Naturalists’ Club and other Biodiversity Action Plan partners to undertake public and stakeholder consultation on the Draft Biodiversity Action Plan attached as Appendix “A” to report PED21065(c);
- (c) That Planning and Economic Development staff be directed to report back to Planning Committee, summarizing the public input together with the final Hamilton Biodiversity Action Plan by Q4 of 2023;
- (d) That the Clerk provide written communication to the Ville de Montreal to confirm that the City of Hamilton will become a signatory to The Montreal Pledge – Cities United in Action for Biodiversity.

**(A. Wilson/Cassar)**

That the motion respecting Report PED21065(c), Draft Biodiversity Action Plan for Consultation, be **amended** by adding the following sub-sections:

- (e) ***That the Biodiversity Action Plan partners include as part of the consultation on the draft Biodiversity Action Plan, the Global Biodiversity Framework (GBF) adopted at the 15th Conference of Parties to the UN Convention on Biological Diversity, and that the partners seek input from the public on the potential for including the 23 targets of the GBF as the***

***community-wide targets for Hamilton's Biodiversity Action Plan; and***

- (f) ***That as part of the report back on the proposed final Biodiversity Action Plan, that staff include recommendations, including staffing and financial impacts, for a Biodiversity Action Plan governance and staffing structure that ensures a whole-of-community approach to implementation.***

**Result: Amendment CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

For the disposition of this matter, refer to Items 1(i), (ii) and (iii).

**(e) PUBLIC HEARINGS (Item 10)**

In accordance with the *Planning Act*, Chair J.P. Danko advised those viewing the meeting that the public had been advised of how to pre-register to be a delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair J.P. Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

- (i) **Housekeeping Amendments to City of Hamilton Zoning By-law No. 05-200, Former Township of Glanbrook Zoning By-law No. 464 and**

**Former City of Stoney Creek Zoning By-law No. 3692-92 (PED23074)  
(City Wide) (Item 10.1)**

**(Kroetsch/Francis)**

That the staff presentation be waived.

**Result: Motion CARRIED by a vote of 9 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 NOT PRESENT – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

Chair Danko called three times for public delegations and none came forward.

**(Kroetsch/Francis)**

- (a) That there were no public submissions received regarding this matter; and
- (b) That the public meeting be closed.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 3.

- (ii) Application for Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 127 Freelton Road, Flamborough (PED23107) (Ward 13) (Item 10.2)**

**(Cassar/Hwang)**

That the staff presentation be waived.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

Matthew LeBlanc, Planner, UrbanSolutions Planning & Land Development Consultants Inc., was in attendance and indicated support for the staff report.

**(Hwang/Francis)**

That the delegation from Matthew LeBlanc, Planner, UrbanSolutions Planning & Land Development Consultants Inc., be received.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

Chair Danko called three times for public delegations and none came forward.

**(A. Wilson/Beattie)**

- (a) That there were no public submissions received regarding this matter; and
- (b) That the public meeting be closed.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 4.

**(g) GENERAL INFORMATION / OTHER BUSINESS (Item 14)**

**(i) Outstanding Business List (Added Item 14.1)**

**(Nann/Cassar)**

That the following changes to the Outstanding Business List, be approved:

**(a) Items Requiring New Due Dates:**

18L - Review of C6 and C7 Zoning Regulations  
 Current Due Date: March 21, 2023  
 Proposed New Due Date: June 13, 2023

**(b) Items to be Removed:**

18D - Consultation on the Regulatory Content of Bill (Inclusionary Zoning) (Addressed as Item 11 on PC Report 23-003)

20L - Use of Tertiary Septic Systems in Hamilton and Update on LPAT Case (PW20082/LS20032) Addressed as Item 13 on PC Report 23-004)

22L - 392-412 Wilson St E and 15 Lorne Ave Zoning and Official Plan Amendments (PED22070) (Addressed as Item 6 on PC Report 22-007)

23B - Request to Appeal to Ontario Land Tribunal for 64 Lover's Lane (Addressed as Item 9 on PC Report 23-005)

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**(ii) General Manager's Update (Added Item 14.2)**

**(A. Wilson/Beattie)**

That the General Manager's Update, be received.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

**(g) PRIVATE AND CONFIDENTIAL (Item 15)**

**(i) Closed Session Minutes – April 18, 2023 (Item 15.1)**

**(A. Wilson/Beattie)**

That the Closed Session Minutes dated April 18, 2023 be approved, as presented, and remain confidential.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**(h) ADJOURNMENT (Item 16)**

**(Francis/Hwang)**

That there being no further business, the Planning Committee be adjourned at 11:18 a.m.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 NOT PRESENT – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

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Councillor J.P. Danko  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 16, 2023
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23098) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Anita Fabac (905) 546-2424 Ext. 1258
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

In accordance with the June 16, 2015, Planning Committee direction, this Report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals. In addition, this Report also includes a list and status of all Applications appealed to the Ontario Land Tribunal (OLT) for non-decision.

## INFORMATION

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor Applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

For the purposes of this Report, the status of active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, that were in effect pursuant to statutory timeframes prescribed in *Bill 73*, *Bill 139* and *Bill 108*.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23098) (City Wide) - Page 2 of 3**

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**Applications Deemed Complete Prior to Royal Assent of Bill 139 (December 12, 2017)**

Attached as Appendix “A” to Report PED23098 is a table outlining the active Applications received prior to December 12, 2017, sorted by Ward, from oldest Application to newest. As of March 27, 2023, there were:

- 3 active Official Plan Amendment Applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;
- 6 active Zoning By-law Amendment Applications; and,
- 3 active Plan of Subdivision Applications.

Within 60 to 90 days of March 27, 2023, all six development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

**Applications Deemed Complete After Royal Assent of Bill 139 (December 12, 2017)**

Attached as Appendix “B” to Report PED23098 is a table outlining the active Applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest Application to newest. As of March 27, 2023, there were:

- 3 active Official Plan Amendment Applications, all of which are subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 6 active Zoning By-law Amendment Applications; and,
- 3 active Plan of Subdivision Applications.

Within 60 to 90 days of March 27, 2023, all six development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

**Applications Deemed Complete After Royal Assent of Bill 108 (September 3, 2019)**

Attached as Appendix “C” to Report PED23098 is a table outlining the active Applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest Application to newest. As of March 27, 2023, there were:

- 29 active Official Plan Amendment Applications;
- 58 active Zoning By-law Amendment Applications; and,
- 18 active Plan of Subdivision Applications.

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23098) (City Wide) - Page 3 of 3**

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As of March 27, 2023, one development proposal is approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Sixty-two (62) development proposals have passed the 90 or 120 day statutory timeframe.

### **Planning Division Active Files**

Combined to reflect property addresses, there are 75 active development proposals. Eleven (11) proposals are 2023 files (15%), 31 proposals are 2022 files (41%), 33 proposals are pre-2022 files (44%).

Staff continue to work with the AMANDA Implementation Team to add enhancements to the database that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active Applications. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website, and an e-mail system will provide notification of when a new Application is received.

### **Current Non-Decision Appeals to the Ontario Land Tribunal**

At the February 2, 2021, Planning Committee meeting, Planning Committee requested that information be reported relating to development applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix “D” to Report PED23098 is a table outlining development applications, along with the applicant/agent, that have been appealed for non-decision to the Ontario Land Tribunal. There are currently 18 active appeals for non-decision of which one is a rezoning application, one is a subdivision application, and 16 are combined official plan, rezoning and subdivision applications. Third party appeals are not included in this information as Council has made a decision to approve the application.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23098 - List of Active Development Applications (prior to December 12, 2017)

Appendix “B” to Report PED23098 - List of Active Development Applications (after December 12, 2017, but before September 3, 2019)

Appendix “C” to Report PED23098 - List of Active Development Applications (after September 3, 2019)

Appendix “D” to Report PED23098 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal

AF:sd

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 7</b>									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James Street, Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	2065
<b>Ward 9</b>									
UHOPA-16-26 ZAC-16-065 25T-201611	478 and 490 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	2385
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	n/a	09-Jul-17	T. Johns Consultants Inc.	2385
<b>Ward 10</b>									
ZAC-15-040	9 Glencrest Avenue, Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	2853

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 12</b>									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Road, Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	2679
ZAC-17-062	45 Secinaro Avenue, Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	2096

#### Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 and 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 and 270 day timeframe commences the day the Application was received.
- \* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 180 days to 270 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 2</b>									
ZAR-19-008	124 Walnut Street South, Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	1585
<b>Ward 11</b>									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	1749
<b>Ward 12</b>									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Drive, Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	1688
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Road, Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	1631
<b>Ward 14</b>									
ZAC-19-011	1933 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	1594

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 15</b>									
RHOPA-18-020* ZAC-18-045	173 and 177 Dundas Street East, Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	1730

#### Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 and 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 and 300 day timeframe commences the day the Application was received.

\* In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment Applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.

\* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 210 days to 300 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 1</b>								
UHOPA-20-027 ZAC-20-042	1629-1655 Main Street West, Hamilton	2-Nov-20	n/a	1-Dec-20	n/a	02-Mar-21	GSP Group	897
UHOPA-22-005 ZAC-22-012	200 Market Street, 55 Queen Street North, Hamilton	19-Jan-22	n/a	19-Jan-22	n/a	19-May-22	GSP Group	432
ZAC-23-007	81 Chatham Street, Hamilton	2-Dec-22	n/a	14-Dec-22	2-Mar-22	n/a	GSP Group	116
<b>Ward 2</b>								
UHOPA-20-025 ZAC-20-038	115 George Street and 220-222 Main Street West, Hamilton	04-Sep-20	n/a	28-Sep-20	n/a	02-Jan-21	GSP Group	962
UHOPA-21-007 ZAC-21-014	101 Hunter Street East, Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	792
UHOPA-22-001 ZAC-22-003	65 Guise Street, Hamilton	15-Nov-21	n/a	18-Nov-21	n/a	15-Mar-22	James Webb Consulting Inc.	493

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 3</b>								
ZAC-22-049	338 Cumberland Avenue, Hamilton	20-July-22	n/a	20-July-22	18-Oct-22	n/a	Urban Solutions Planning & Land Development	251
ZAC-22-053	83 Emerald Street South, Hamilton	9-Aug-22	n/a	22-Aug-22	7-Nov-22	n/a	Gladki Planning Associates Inc.	231
<b>Ward 4</b>								
UHOPA-23-006 ZAC-23-012	1284 Main Street East, Hamilton	14-Dec-22	n/a	10-Jan-23	n/a	13-Apr-23	GSP Group	104
<b>Ward 5</b>								
ZAC-21-043	300 Albright Road, Hamilton	29-Sep-21	n/a	30-Sep-21	04-Jan-22	n/a	MHBC Planning Ltd.	572
ZAC-22-013	200 Centennial Parkway North, Hamilton	19-Jan-22	n/a	20-Jan-22	19-April-22	n/a	Calloway REIT (Stoney Creek) Inc.	431

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 5 Continued</b>								
UHOPA-22-016 ZAC-22-030	399 Greenhill Avenue, Stoney Creek	26-Apr-22	n/a	27-Apr-22	n/a	28-July-22	Bousfields Inc.	335
<b>Ward 6</b>								
ZAC-22-037 25T-202207	61 Eleanor Avenue, Hamilton	13-June-22	n/a	15-June-22	n/a	12-Oct-22	A.J. Clarke & Associates Ltd.	288
ZAC-22-038	4 and 10 Trinity Church Road, Hamilton	13-June-22	n/a	22-June-22	12-Sep-22	n/a	T. Johns Consulting Group	288
UHOPA-22-019 ZAC-22-045	570 Upper Ottawa Street, Hamilton	8-July-22	n/a	8-July-22	n/a	5-Nov-22	Urban Solutions Planning & Land Development	263
UHOPA-22-027 ZAC-22-065	1400 Limeridge Road East, Hamilton	31-Oct-22	n/a	10-Nov-22	n/a	28-Feb-23	MHBC Planning Ltd.	148
25T-202210	705 Rymal Road East, Hamilton	22-Oct-22	n/a	2-Dec-22	n/a	24-Feb-23	Wellings Planning Consultants	157
ZAC-23-009	1280 Rymal Road East, Hamilton	15-Dec-22	n/a	6-Jan-23	15-Mar-23	n/a	Fothergill Planning & Development Inc.	103

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 7</b>								
UHOPA-20-021 ZAC-20-037 25T-202006	544 and 550 Rymal Road East, Hamilton	11-Sep-20	n/a	11-Oct-20	n/a	09-Jan-20	Rymal East Development Corp.	992
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	410
ZAR-22-052	311 Rymal Road East, Hamilton	3-Aug-22	n/a	n/a	1-Nov-22	n/a	GSP Group Inc.	237
UHOPA-23-001 ZAC-23-001	499 Mohawk Road East, Hamilton	8-Nov-22	n/a	21-Nov-22	n/a	21-Feb-23	Urban Solutions Planning & land Development	140
<b>Ward 8</b>								
ZAC-20-018	212 and 220 Rymal Road West, Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	1159
UHOPA-20-017 ZAC-20 029 25T-202003	393 Rymal Road West, Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group Inc.	1000
ZAC-21-029 25T-202108	204, 212, 220, 226 Rymal Road West, Hamilton	05-July-21	n/a	09-Aug-21	n/a	02-Nov-21	T. Johns Consulting Group	624

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 8 Continued</b>								
ZAC-22-024 25T-202204	1456-1460 Upper James Street, Hamilton	28-Mar-22	n/a	08-Apr-22	n/a	26-Jul-22	A.J. Clarke & Associates	365
UHOPA-22-021 ZAC-22-047	1177, 1183, 1187 West 5 <sup>th</sup> Street, Hamilton	13-July-22	n/a	13-July- 22	n/a	10-Nov-22	Urban Solutions Planning & Land Development	258
ZAC-22-066	81 Rymal Road East, Hamilton	24-Oct-22	n/a	24-Nov- 22	22-Jan-22	n/a	GSP Group Inc.	155
UHOPA-23-004 ZAC-23-005	1550 Upper James Street, Hamilton	24-Nov-22	n/a	9-Dec-22	n/a	24-Mar-23	Arcadis IBI Group	124
<b>Ward 9</b>								
ZAC-20-004	329 Highland Road West, Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	1221
ZAC-22-064 25T-202209	82 Carlson Street, Stoney Creek	11-Oct-22	n/a	13-Oct-22	n/a	12-Jan-23	MHBC Planning Ltd.	168
UHOPA-20-010 ZAC-20-015 25T-200303R	2080 Rymal Road East, Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	1179

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 9 Continued</b>								
ZAC-22-001	2153, 2155, and 2157 Rymal Road East, Stoney Creek	4-Nov-21	n/a	n/a	2-Feb-22	n/a	Weston Consulting	508
ZAC-22-029 25T-202206	481 First Road W., Stoney Creek	22-Apr-22	n/a	n/a	n/a	24-Jul-22	Kuok Kei Hong	341
UHOPA-23-005 ZAC-23-006	1065 Paramount Drive, Stoney Creek	18-Nov-22	n/a	13-Dec-22	n/a	18-Mar-23	Arcadis IBI Group	130
<b>Ward 10</b>								
UHOPA-21-018 ZAC-21-039	1400 South Service Road, Stoney Creek	10-Sep-21	n/a	16-Sep-21	n/a	14-Jan-22	MHBC Planning Ltd.	585
UHOPA-21-006 ZAC-21-011	582 and 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	805
UHOPA-22-020 ZAC-22-046 25T-202208	220 McNeilly Road, Hamilton	8-July-22	n/a	22-July-22	n/a	5-Nov-22	T. Johns Consulting Group	263

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 10 Continued</b>								
UHOPA-22-026 ZAC-22-063	1310 South Service Road, Stoney Creek	28-Sep-22	n/a	30-Sep-22	n/a	5-Jan-23	The Planning Partnership	181
ZAC-23-004	48 Jenny Court	29-Nov-22	n/a	4-Jan-23	27-Feb-23	n/a	T. Johns Consulting Group	119
<b>Ward 11</b>								
25T-202002	9326 and 9322 Dickenson Road, Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	1137
UHOPA-21-001 ZAC-21-001 25T-202101	3169 Fletcher Road, Glanbrook	14-Dec-20	n/a	12-Jan-21	n/a	12-May-21	A.J. Clarke & Associates Ltd.	861
ZAC-22-008 25T-202201	3479 Binbrook Road, Glanbrook	10-Jan-22	n/a	24-Jan-22	n/a	10-May-22	Metropolitan Consulting	442
UHOPA-22-008 ZAC-22-017	3054 Homestead Drive, Hamilton	27-Jan-22	n/a	10-Feb-22	n/a	25-May-22	Urban Solutions Planning & Land Development	427
UHOPA-22-014 ZAC-22-027 25T-202205	2876 Upper James Street, Glanbrook	05-Apr-22	n/a	05-Apr-22	n/a	03-Aug-22	Rice Group	357

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 11 Continued</b>								
ZAC-22-055	2640 Binbrook Road, Glanbrook	16-Aug-22	n/a	18-Aug-22	14-Nov-22	n/a	IBI Group	224
<b>Ward 12</b>								
UHOPA-20-013 ZAC-20-017	210 Calvin Street, Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	1047
ZAC-20-024	140 Wilson Street West, Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	1043
25T-202102	370 Garner Road East, Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	857
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	826
ZAC-21-027	140 and 164 Sulphur Springs Road, Ancaster	05-Jul-21	n/a	16-July-21	02-Oct-21	n/a	Fothergill Planning & Development Inc.	648
UHOPA-22-002 ZAC-22-005	487 Shaver Road, Ancaster	2-Nov-21	n/a	17-Nov-21	n/a	2-Mar-22	GSP Group Inc	494

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 12 Continued</b>								
ZAC-22-058	111 Fiddlers Green Road, Ancaster	6-Sep-22	n/a	7-Sep-22	16-Nov-22	n/a	T. Johns Consulting Group	211
UHOPA-23-003 ZAR-23-003	382 Southcote Road, Ancaster	9-Nov-22	n/a	5-Dec-22	n/a	9-Mar-23	Urban Solutions Planning & Land Development	139
ZAC-23-010	299 Fiddlers Green Road, Ancaster	19-Dec-22	n/a	6-Jan-23	19-Mar-23	n/a	Wellings Planning Consultants	99
<b>Ward 13</b>								
ZAC-22-044	64 Hatt Street, Dundas	6-July-22	n/a	7-July-22	4-Oct-22	n/a	GSP Group Inc.	265
ZAR-22-004	12 Louisa Street, Flamborough	15-Nov-21	n/a	23-Nov-21	13-Feb-22	n/a	MB1 Development Consulting Inc.	488
RHOPA-23-002 ZAC-23-002	127 Freelton Road, Flamborough	16-Nov-22	n/a	22-Nov-22	n/a	16-Mar-22	Urban Solutions Planning and Land Development	131
ZAR-23-008	211 York Road, Dundas	1-Dec-22	n/a	19-Dec-22	1-Mar-23	n/a	GSP Group Inc.	117

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 27, 2023)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 27, 2023
<b>Ward 14</b>								
UHOPA-22-015 ZAC-22-028	631 and 639 Rymal Road West, Hamilton	22-Apr-22	n/a	28-Apr-22	n/a	29-July-22	Bousfields Inc.	343
<b>Ward 15</b>								
ZAC-20-006	518 Dundas Street East, Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	1191
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas Street East, Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	825
25T-201507R	74 Parkside Drive, Flamborough	11-Aug-22	n/a	18-Aug-22	n/a	17-Oct-22	IBI Group	229

Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 90 and 120 day timeframe commences on the date the new materials were submitted. In all other situations, the 90 and 120 day timeframe commences the day the Application was received.

**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (OLT)  
(Effective March 27, 2023)**

	Address	Applicant /Agent	Date Appeal Received
<b>Ward 2</b>			
1	299-307 John Street South, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2021
2	186 Hunter Street West, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	June 2022
<b>Ward 5</b>			
3	651 Queenston Road, Hamilton	A.J. Clarke & Associates Ltd	September 2022
4	2900 King Street East, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2022
<b>Ward 9</b>			
5	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
<b>Ward 10</b>			
6	1036, 1038, 1054, 1090 Barton Street, and 262 McNeilly Road, Stoney Creek	Glen Schnarr & Associates Inc.	November 2021
<b>Ward 11</b>			
7	526 Winona Road, Stoney Creek	Urban Solutions Planning & Land Development Consultants Inc.	June 2022

**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (OLT)  
(Effective March 27, 2023)**

	Address	Applicant /Agent	Date Appeal Received
<b>Ward 11 Continued</b>			
8	3160, 3168, 3180, and 3190 Regional Road 56, Binbrook	MHBC Planning Limited	November 2022
9	3064, 3070, 3078, 3084 Regional Road 56, Glanbrook	MHBC Planning Limited	November 2022
10	11, 19, 20, 21, 23, 27 & 30 Lakeside Drive, 81 Waterford Crescent, Stoney Creek	IBI Group	December 2022
<b>Ward 12</b>			
11	140 Garner Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	February 2022
12	1019 Wilson Street West, Ancaster	MHBC Planning Limited	July 2022
13	442-462 Wilson Street East, Ancaster	GSP Group	July 2022
<b>Ward 14</b>			
14	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021

**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (OLT)  
(Effective March 27, 2023)**

<b>Ward 15</b>			
15	609 and 615 Hamilton Street North and 3 Nesbit Boulevard and 129 – 137 Trudell Circle, Flamborough (Waterdown)	Urban Solutions Planning and Land Development Consultants Inc.	October 2017
16	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017
17	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021
18	909 North Waterdown Drive, Flamborough	Corbett Land Strategies Inc.	December 2022



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 16, 2023
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1)
<b>WARD(S) AFFECTED:</b>	Ward 1
<b>PREPARED BY:</b>	Jennifer Allen (905) 546-2424 Ext. 4672
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-23-007 by GSP Group c/o Sarah Knoll) on Behalf of 81 Chatham Street LP c/o Will Edwards, Owner**, for a change in zoning from the Low Density Residential – Small Lot (R1a) Zone to a site specific Low Density Residential – Small Lot (R1a, 845, H148) Zone, Modified, to permit a three storey (10.3 metres) multiple dwelling containing six dwelling units with six parking spaces located at the rear of the subject lands for the lands located at 81 Chatham Street, as shown on Appendix “A” attached to Report PED23103, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23103, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding a Holding Provision as follows:

H148. Notwithstanding Section 15.2 of this By-law, within lands zoned Low Density Residential (R1a, 845) Zone on Map No. 950 on Schedule “A” – Zoning Maps, and described as 81 Chatham Street, Hamilton, no development shall be permitted until such time as:

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 2 of 21**

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- (i) A revised Hydrogeological Brief and Geotechnical Report has been submitted and approved to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (d) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

### **EXECUTIVE SUMMARY**

The Applicant GSP Group, c/o Sarah Knoll on behalf of 81 Chatham Street LP c/o Will Edwards, Owner, has applied for a Zoning By-law Amendment to permit a three storey, six unit multiple dwelling with six surface parking spaces located at the rear of the subject lands which are known municipally as 81 Chatham Street. The subject lands are currently occupied by a single detached dwelling which is proposed to be demolished.

The purpose of the Zoning By-law Amendment is to change the zoning from the Low Density Residential – Small Lot (R1a) Zone to a site specific Low Density Residential – Small Lot (R1a, 845, H148) Zone, Modified in the City of Hamilton Zoning By-law No. 05-200.

The following modifications to the R1a Zone are required to implement the proposal:

- Addition of a multiple dwelling with six units as a permitted use subject to the regulations of Section 15.2.2.1;
- Reduction in minimum front yard depth;
- Allowance for a portion of a required landscape strip to contain a retaining wall;
- Reduced minimum aisle width; and,
- Elimination of the requirement for a barrier free parking space.

Additionally, a Holding Provision has been included in the amending by-law to be lifted once a hydrogeological brief and geotechnical report has been approved by the Director of Growth Management and Chief Development Engineer. The proposed Holding Provision will ensure the existing soil / groundwater conditions are appropriate for the proposed use.

Residential developments consisting of less than ten dwelling units are currently not subject to site plan control in accordance with Bill 23. The Ministry of Municipal Affairs and Housing has proposed new regulations through Bill 97 which, amongst others,

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 3 of 21**

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permits the use of site plan control for residential developments of less than ten units on lands located within 300 metres of a railway line. If Bill 97 is passed, the proposed development may be subject to site plan control in the future as the subject lands are located within 300 metres of the CP Railway.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan (UHOP); and,
- The proposed multiple dwelling represents an appropriate level of intensification in this location, is compatible with and complementary with the immediate area, and provides an alternative housing form for the surrounding area which supports developing a complete community.

**Alternatives for Consideration – See Page 20**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the Planning Act, Council shall hold at least one public meeting to consider a Zoning By-law Amendment application.

**HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owner:	81 Chatham Street LP c/o Will Edwards
Applicant/Agent:	GSP Group (c/o Sarah Knoll)
File Number:	ZAC-23-007
Type of Application:	Zoning By-law Amendment
<b>Application Details</b>	
Proposal:	To permit a three storey (10.3 m) multiple dwelling containing six dwelling units with six parking spaces to the rear of the subject lands.
<b>Property Details</b>	
Municipal Address:	81 Chatham Street

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 4 of 21**

<b>Property Details</b>	
Lot Area:	580.0 square metres
Servicing:	Full municipal services.
Existing Use:	Existing single detached dwelling.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended.
Official Plan Existing:	Urban Hamilton Official Plan  "Neighbourhoods" on Schedule E – Urban Structure; and, Schedule E-1 – Urban Land Use Designations.
Zoning Existing:	Low Density Residential – Small Lot (R1a) Zone
Zoning Proposed:	Low Density Residential – Small Lot (R1a, 845, H148) Zone, Modified
Modifications Proposed:	<ul style="list-style-type: none"> <li>• To add a multiple dwelling with six units as a permitted use subject to the regulations of Section 15.2.2.1;</li> <li>• To reduce the minimum front yard depth from 3.0 metres to 1.3 metres;</li> <li>• To permit a required landscape strip to contain a retaining wall for a maximum of 10.5 metres;</li> <li>• To reduce the minimum aisle width from 6.0 metres to 5.49 metres; and,</li> <li>• To remove the requirement for a barrier free parking space.</li> </ul>
<b>Processing Details</b>	
Received:	November 30, 2022.
Deemed Complete:	December 14, 2022.
Notice of Complete Application:	Sent to 266 property owners within 120 metres of the subject lands on December 22, 2022.
Public Notice Sign:	Posted December 21, 2022 and updated with public meeting date on May 3, 2023.
Notice of Public Meeting:	Sent to 266 property owners within 120 metres of the subject property on May 12, 2023.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 5 of 21**

<b>Processing Details</b>	
Public Comments:	Two letters expressing concern (see Appendix “E” attached to Report PED23103).  The submissions received by the City identified concerns about the proposed impact to, and maintenance of, the adjacent alleyway, the proposed parking ratio, light trespassing, removal of existing mature trees on site, and damage, dust and dirt on adjacent properties due to construction
Processing Time:	182 days.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Single detached dwelling	Low Density Residential – Small Lot (R1a) Zone

**Surrounding Land Uses:**

North	Single detached dwellings	Low Density Residential – Small Lot (R1a) Zone and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
South	Single detached dwellings	Low Density Residential – Small Lot (R1a) Zone
East	Single detached dwellings	Low Density Residential – Small Lot (R1a) Zone
West	Single detached dwellings and commercial uses	Low Density Residential – Small Lot (R1a) Zone, “H” (Community Shopping and Commercial, Etc.) District and Neighbourhood Commercial (C2) Zone

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 6 of 21**

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**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020)**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020). The *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in the UHOP analysis below.

As the Application for Zoning By-law Amendment complies with the Official Plan, it is staff's opinion that the Application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

**Noise**

“1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.”

The subject lands are within 100 metres of Dundurn Street South which is identified as a minor arterial road on Schedule C – Functional Road Classification in the UHOP and within 300 metres of the CP Railway. Accordingly, the applicant submitted a Noise Impact Study prepared by HGC Engineering, dated September 29, 2022 for the subject lands. The Noise Study evaluated road noise impacts from Dundurn Street South and rail traffic along the CP Spur lines which are the major noise sources for the site. The Study recommended noise control measures including warning clauses registered on title and mandatory central air conditioning.

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Based on the above, the proposal is consistent with the policies of the PPS (2020).

**Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations. The following policies, amongst others, apply to the proposal.

**Neighbourhoods**

“E.2.7.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.

E.2.7.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.”

**Neighbourhoods Designation**

“E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

- (a) Residential dwellings, including second dwelling units and housing with supports.

E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 8 of 21**

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- (b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- (c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
- (d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
- (e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.

E.3.2.13 The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.”

#### Residential Uses – General Policies

- “E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.
- E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.”

#### Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3 Uses permitted in low density residential areas:
- (a) May include multiple dwellings containing a maximum of 6 units for lots in proximity to collector roads or arterial roads (OPA 167)

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 9 of 21**

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- E.3.4.4 For low density residential areas the maximum net residential density for the purpose of estimating unit yield and/or population growth, as part of the preparation of Secondary Plans, Special Policy Areas, Infrastructure Master Plans and Community Plans shall be 60 units per hectare. (OPA 167)
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- (c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.
  - (e) For multiple dwellings described by policy E.3.4.3 b), development should have access to a collector or arterial road from a local road where only a small number of low density residential dwellings are located on that portion of the local road.” (OPA 167)

The subject property is located within the Kirkendall Neighbourhood and the surrounding area consists primarily of low density residential uses and built forms (Policy E.3.4.1). The proposed multiple dwelling will consist of six dwelling units and maintain a height of three storeys in accordance with policies E.3.2.3, E.3.4.3 b) and E.3.4.5. The proposed multiple dwelling is on the periphery of the immediate neighbourhood with only five dwelling units between the subject lands and Dundurn Street South, a Minor Arterial Road on Schedule C of the UHOP (E.3.3.1, E.3.4.3 b) and E.3.4.6 e)).

The proposed three storey multiple dwelling is an appropriate scale and massing for the subject lands, consisting of a low profile built form with building setbacks consistent with the low density residential uses in the area. Each dwelling unit will have direct access to grade from the stairs at the rear of the site (Policies E.2.7.7, E.2.3.4, E.3.3.2, E.3.4.2 and E.3.4.6 c)).

Parking will be provided at the rear of the subject lands and the entire front yard, with the exception of the pedestrian walkway, will be landscape to contribute to an enhanced streetscape (Policy E.3.2.7 b) and E.3.2.7 d)). Pedestrian connections are provided between the building entrances and Chatham Street to link the subject lands with

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 10 of 21**

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various community facilities such as schools, places of worship and a library, and various local commercial uses in the area (E.3.2.7 c).

The proposed development has a residential density of approximately 104 units per hectare. In accordance with Policy E.3.4.4, the overall residential density targeted for low density residential areas is 60 units per hectare. This target is intended for estimating overall unit yields and population growth and is not intended to be calculated for a specific site. This allows for a range in residential density to allow for a variety in dwelling types and tenures in accordance with Section B.2.4 - Residential Intensification Policies of the Urban Hamilton Official Plan (Policy E.2.7.4 and E.3.2.13).

The proposed development complies with Section B.3.3 – Urban Design Policies of the UHOP as further discussed below (Policy E.3.2.7 e)).

#### Residential Intensification

“B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- (a) A balanced evaluation of the criteria in b) through l), as follows;
- (b) The relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;
- (c) The contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;
- (d) The *compatible* integration of the proposed development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- (e) The contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- (f) Existing and planned water, wastewater and stormwater capacity;

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 11 of 21**

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- (g) the incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;
- (h) The contribution of the proposed development to supporting and facilitating active transportation modes;
- (i) The contribution of the development to be *transit-supportive* and supporting the use of existing and planned local and regional transit services;
- (j) The availability and location of existing and proposed public community facilities / services;
- (k) The ability of the development to retain and/or enhance the natural attributes of the site and surrounding community including, but not limits to native vegetation and trees; and,
- (l) Compliance of the proposed development with all other applicable policies. (OPA 167)

B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- (a) The matters listed in Policy B.2.4.1.4;
- (b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- (c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- (d) The consideration of transitions in height and density to adjacent residential buildings;
- (e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- (f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 12 of 21**

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- (g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- (h) The ability to complement the existing functions of the neighbourhood; and,
- (i) Infrastructure and transportation capacity and impacts.”

This proposal represents a form of residential intensification which respects the established neighbourhood character, streetscape patterns and setbacks of the surrounding area (Policies B.2.4.1.4 d) and B.2.4.2.2 g)). The proposal will also contribute to a range of dwelling types and tenures.

The proposed multiple dwelling is generally consistent with the built form envisioned by the parent R1a Zone, noting that no modifications are required for the minimum side and rear yard setbacks or maximum building height. The scale of the proposed three storey building is suitable for the subject lands and maintains an appropriate transition in scale to the adjacent one and two storey dwellings (Policy B.2.4.1.4 d), B.2.4.2.2 c) and d)). The balconies proposed for the multiple dwelling only facing the front yard and there is minimal glazing shown on the side facades to help address any perceived overlook or privacy concerns related to the proposed land use. There are no concerns related to shadow or access to sunlight as a result of the proposed land use (Policy 2.4.1.4 b)).

The provision of additional residential units will complement the existing functions of the neighbourhood by providing additional housing opportunities for residents in proximity to various commercial uses along Dundurn Street South and Locke Street South, and various public facilities including schools, places of worship and a public library in the neighbourhood. The subject lands are serviced by existing local and regional public transit and are in proximity to the future LRT corridor (Policy B.2.4.2.1 i) and j) and B.2.4.2.2 h)). Private amenity area is provided as balconies facing Chatham Street and indoor common amenity area within the basement of the multiple dwelling. The subject property is also in walking distance to various parks (Policy B.2.4.2.2 f)).

The applicant is not proposing any pole lighting for the parking area at the rear and design techniques have been utilized to direct light within the subject lands away from adjacent properties (B.2.4.2.2. b)). A permeable surface will be utilized for the rear parking area to contribute to sustainable design elements on site (Policy B.2.4.1 4 g)).

The subject property is serviced by municipal sewer and water infrastructure and can adequately service the proposed development. The existing road network can accommodate the minimal increase in vehicular traffic. (Policy B.2.4.1.4 f) and B.2.4.2.2 j)).

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 13 of 21**

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Trees

The following policy provides direction regarding tree and woodland protection:

“C.2.11.1 The city recognizes the importance of trees and woodlands to the health and quality of life in our community. The city shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Trees have been identified on the subject lands and adjacent properties, which may be impacted by development activity. Accordingly, a Tree Management Plan (TMP) has been prepared by GSP Group, dated November 4, 2022, in support of the applications.

A total of two Black Walnut trees which are greater than 10cm DBH are proposed to be removed between the subject lands and adjacent property to the west. Cash-in-lieu for the trees being removed has been provided by the applicant as there is insufficient space to accommodate two new trees on site to allow for one for one compensation.

The existing Colorado spruce tree on the adjacent property to the west will be protected. Natural Heritage staff have requested a Verification of Tree Protection letter to ensure the required tree protection measures have been installed to the satisfaction of a qualified professional (Landscape Architect, Registered Professional Forester or Certified Arborist). The applicant has advised they will be providing a Verification of Tree Protection letter once these measures have been installed.

**City of Hamilton Zoning By-law No. 05-200**

The subject lands are currently zoned Low Density Residential – Small Lot (R1a) Zone.

In order to permit the proposed multiple dwelling on the subject lands the applicant has applied to change the zoning to a site specific Low Density Residential – Small Lot (R1a, 845, H148) Zone, Modified. Modifications to the Low Density Residential – Small Lot (R1a) Zone will be required to implement the proposal which are outlined in the Report Fact Sheet above and are discussed in detail in Appendix “C” attached to Report PED23103.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>	
Canada Post Corporation; and, Planning and Economic Development Department, Economic Development Division, Commercial Districts and Small Business Section and Corporate Real Estate Office Section.	No Comment

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 14 of 21**

	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• A hydrogeological brief and geotechnical report is required to be submitted and approved as a Holding Provision to ensure existing soil and groundwater conditions are appropriate for the proposed use;</li> <li>• The applicant shall demonstrate that no long term dewatering will be conveyed to the municipal sewer infrastructure. Foundation / subsurface structures shall be designed / waterproofed accordingly; and,</li> <li>• If the proposed development is planning to process the building permit application under 10 units or less, the applicant must obtain a Sewer and Water Servicing Permit from the Growth Management prior to submitting the Building Permit Application.</li> </ul>	<p>A Holding Provision requiring the submission of a hydrogeological brief and geotechnical report has been added to the amending by-law.</p> <p>The proposal consists of less than ten dwelling units and therefore the proposal will not be subject to Site Plan Control.</p>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• Amendments to the submitted Landscape Plan dated 2022-11-04 are required to show two street trees in front of the subject lands.</li> </ul>	<p>There are no municipal tree assets on site.</p> <p>The proposal consists of less than ten dwelling units therefore the proposal will not be subject to Site Plan Control.</p> <p>The applicant is proposing two street trees within the municipal right-of-way to be selected and planted by the City of Hamilton.</p>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• It should be determined if the proposed development will be condominium tenure; and,</li> <li>• Addressing will need to be assigned after the Zoning By-law Amendment is finalized and prior to the submission of Building Permit application.</li> </ul>	<p>The proposed tenure has not been confirmed at this time.</p>

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 15 of 21**

	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>Minimal traffic will be generated by this development and no impacts on the existing road network is anticipated;</li> <li>Transportation Planning have reviewed the Parking Study for the proposed development and generally agrees with the findings of the Study, that six on-site parking spaces can support the proposed six-unit residential building and provided these spaces are offered to be purchased separately (unbundled) from each unit;</li> <li>For two-way operation onto municipal road, the driveway access width(s) must be 7.5 metres at the ultimate property line and curve radii minimum 6.0 metres; and,</li> <li>3.0 metres x 3.0 metres visibility triangles must be provided for each driveway access.</li> </ul>	<p>The proposal consists of less than ten dwelling units therefore the proposal will not be subject to Site Plan Control.</p> <p>The applicant has provided a Letter of Intent stating the parking will be unbundled from the cost of purchasing / renting a residential unit.</p> <p>Transportation Planning has clarified the comment related to the driveway access width is not applicable as access is provided onto a municipal alleyway.</p> <p>Transportation has advised a reduced visibility triangle of 1.5 metres by 1.5 metres can be accepted.</p>
Waste Management Operations Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>The development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 21-221.</li> </ul>	Waste staff have indicated the applicant has satisfied the requirements for municipal waste collection.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 16 of 21**

	<b>Comment</b>	<b>Staff Response</b>
Canadian Pacific Rail	<ul style="list-style-type: none"> <li>Canadian Pacific Rail recommends that a condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building(s):  “Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity.  Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”</li> </ul>	The noted condition will be included as a warning clause for future owners or tenants as per the recommendations of the submitted Noise Study.
<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Light Trespassing due to rear parking	There is concern about the lighting from the proposed parking area trespassing to the rear yard of the adjacent properties.	The applicant has provided information about the proposed lighting for the rear parking area which has been designed to direct the light onto the subject lands.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 17 of 21**

Issue	Comment	Staff Response
		The applicant is not proposing any pole lighting and therefore no Site Lighting Plan has been requested by staff.
Damage, dirt and dust due to construction	There is concern about damage, and dirt and dust on adjacent properties with access to the adjacent alleyway during construction.	Should this application be approved, these matters will be addressed at the Building Permit stage.
Maintenance of Alleyway	There is concern about increasing the number of vehicles utilizing the alleyway and the maintenance of the alleyway.	<p>The proposal will establish six new parking spaces with access to the rear alleyway.</p> <p>Staff do not anticipate a significant increase to traffic volumes on the alleyway based on the limited number of parking spaces.</p> <p>The alleyway is assumed and maintenance of the alleyway will not be affected by the proposed development.</p>
Number of Parking Spaces	There is concern about the proposed parking ratio for the multiple dwelling.	<p>A Parking Study prepared by Paradigm Transportation Solutions Limited was submitted in support of the proposed parking ratio.</p> <p>The subject property is serviced by a number of existing local and regional transit routes and in walking distance to a planned LRT stop.</p>

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 18 of 21**

Issue	Comment	Staff Response
Number of Parking Spaces ( <b>Continued</b> )		The subject property is also located within walking distance to a number of commercial uses and community facilities and services. Staff do not have concerns with the proposed parking ratio as it is consistent with Zoning By-law requirements for dwelling units.
Removal of Trees	There is concern about the loss of mature trees on the subject lands.	Two black walnut trees are proposed to be removed, one on the subject lands and one on the adjacent property to the west (83 Chatham Street). The existing Colorado spruce tree will be protected.  Cash-in-lieu for the two trees being removed has been provided by the applicant.

## PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was sent to 266 property owners within 120 metres of the subject lands on December 22, 2022. A Public Notice Sign was installed on the property on December 21, 2022 and updated on May 3, 2022. A Notice of the Public Meeting was given on May 12, 2022 in accordance with the requirements of the *Planning Act*.

To date, two submissions have been received by the City expressing concern about the proposed impact to and maintenance of the adjacent alleyway, the proposed parking ratio, light trespassing, removal of mature trees on site and damage, dust and dirt due to construction as shown on Appendix “F” attached to Report PED23103.

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 19 of 21**

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## **Public Consultation Strategy**

The applicants Public Consultation Strategy created a website for the proposed development and also met with the Kirkendall Development Committee on February 8, 2023. The applicant has advised the Kirkendall Development Committee had positive comments about the proposed development related to the design and location of the building and intensification in the neighbourhood. The Committee also suggested gating the access to the laneway and discussed the existing and proposed trees on the property.

The applicant received two letters of support from residents. In summary, the two residents are supportive of intensification in the neighbourhood to address the lack of housing in Hamilton. They are supportive of the proposed design and feel it is appropriately sized to fit with the character of the neighbourhood. One resident is supportive of the front balconies to continue to animate the street.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, supporting public transit, and making efficient use of lands and existing infrastructure.
2. Zoning By-law Amendment

The application for Zoning By-law Amendment is to rezone the subject lands from the Low Density Residential – Small Lot (R1a) Zone to a site specific Low Density Residential – Small Lot (R1a, 845, H148) Zone, Modified.

The proposed Zoning By-law Amendment meets the intent of the “Neighbourhoods” designation of the UHOP and the residential intensification policies, with some modifications required to establish the proposed multiple dwelling. The modifications are identified on page 4 of Report PED23103 and discussed in detail in Appendix “D” attached to Report PED23103.

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) - Page 20 of 21**

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Therefore, staff support the proposed Zoning By-law Amendment.

The Ministry of Municipal Affairs and Housing has proposed new regulations through Bill 97 which, amongst others, permits the use of site plan control for residential developments of less than ten units on lands located within 300 metres of a railway line. If Bill 97 is passed, the proposed development may be subject to site plan control in the future as the subject lands are located within 300 metres of the CP Railway.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands could be used in accordance with the Low Density Residential – Small Lot (R1a) Zone in the City of Hamilton Zoning By-law 05-200 which permits low density residential uses.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

### **Built Environment and Infrastructure**

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

### **Culture and Diversity**

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

### **Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

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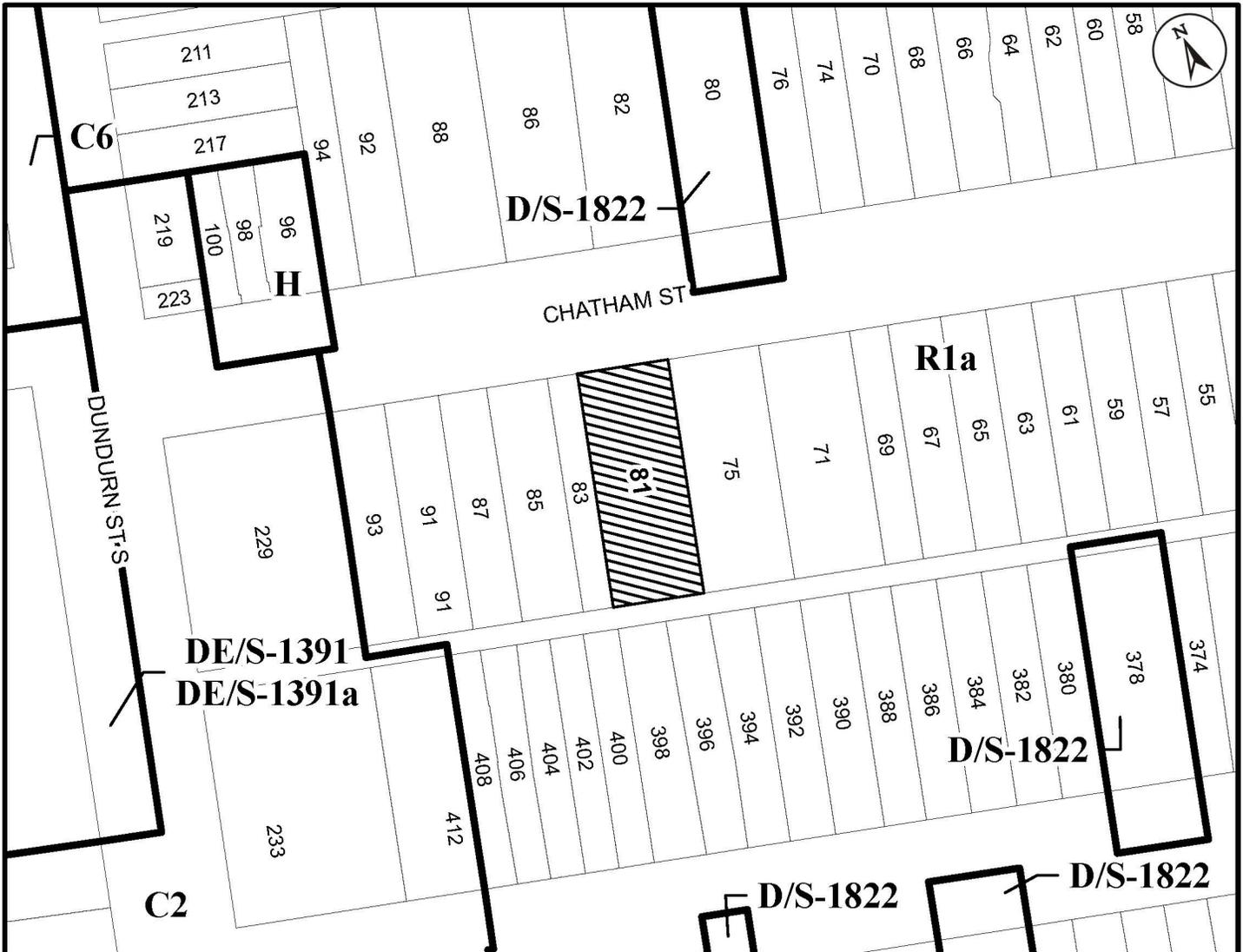
**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 81  
Chatham Street, Hamilton (PED23103) (Ward 1) - Page 21 of 21**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23103 – Location Map  
Appendix "B" to Report PED23103 – Draft Zoning By-law Amendment  
Appendix "C" to Report PED23103 – Zoning Chart  
Appendix "D" to Report PED23103 – Concept Plan  
Appendix "E" to Report PED23103 – Public Submissions

JA:sd



● Site Location



Key Map - Ward 1



## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-23-007

Date:  
April 17, 2023

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
JA/VS

### Subject Property

81 Chatham Street, Hamilton



Change in zoning from the Low Density Residential – Small Lot (R1a) Zone to a site specific Low Density Residential – Small Lot (R1a, 845, H148) Zone Modified

**Appendix “B” to Report PED23103  
Page 1 of 4**

**Authority:** Item ,  
Report (PED23103)  
CM:  
Ward: 1

**Bill No.**

**CITY OF HAMILTON  
BY-LAW NO.**

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 81 Chatham Street, Hamilton**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on May 16, 2023; and,

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item of Report 22 - of the Planning Committee, at its meeting held on the day of May 16, 2023, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**AND** this By-law conforms with the Urban Hamilton Official Plan;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map 950 of Schedule “A” – Zoning Maps is amended by changing the zoning from the Low Density Residential – Small Lot (R1a) Zone to a Low Density Residential – Small Lot (R1a, 845, H148) Zone the extent and boundaries of which are more particularly shown on Schedule “A” attached to this By-law.
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:
  - “845. Within the lands zoned Low Density Residential – Small Lot (R1a) Zone, identified on Map 950 of Schedule “A” – Zoning and described as 81 Chatham Street, the following special provisions shall apply:
    - a) In addition to Section 3: Definitions, as it relates to the definitions of “Landscaped Area” and “Landscaping” and notwithstanding Section 5.2 a) i), the following regulations shall apply:
      - i) A required landscape strip may contain a retaining wall with a maximum height of 0.6 metres along the easterly side yard;
      - ii) A required landscape strip may contain a concrete pad and associated fencing for the purposes of waste storage for a

**Appendix “B” to Report PED23103**  
**Page 2 of 4**

maximum length of 4.6 metres along the easterly side yard;  
and,

- iii) No landscape strip shall be required for a maximum length 5.9 metres along the easterly side yard.
  - b) Notwithstanding Section 5.2 i) and 5.5 the following special provisions shall apply:
    - i) The minimum aisle width for parking spaces with a 90° angle shall be 5.49 metres.
    - ii) Section 5.5 shall not apply.
  - c) In addition to Section 15.2.1, a Multiple Dwelling with a maximum of six dwelling units, subject to the requirements of Section 15.2.2.1, shall also be permitted.
  - d) Notwithstanding Section 15.2.2.1 c), the following regulation shall apply:
    - i) Minimum Setback from the Front Lot Line      1.3 metres
3. That Schedule “D” – Holding Provisions be amended by adding the following new Holding Provision:
- “148. Notwithstanding Section 15.2 of this By-law, within lands zoned Low Density Residential (R1a, 845) Zone, identified on Maps 950 of Schedule “A” – Zoning Maps and described as 81 Chatham Street, no development shall be permitted until such time as:
- 1. A revised Hydrogeological Brief and Geotechnical Report has been submitted and approved to the satisfaction of the Director of Growth Management and Chief Development Engineer.
4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Low Density Residential – Small Lot (R1a, 845, H148) Zone, provisions subject to the special requirements referred to in Section No. 2 and 3 of this By-law.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**Appendix "B" to Report PED23103**  
**Page 3 of 4**

**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

\_\_\_\_\_  
A. Horwath  
Mayor

\_\_\_\_\_  
A. Holland  
City Clerk

ZAC-23-007

**Appendix "B" to Report PED23103**  
**Page 4 of 4**



<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the ..... day of ....., 2023</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>		
<p><b>Schedule "A"</b></p> <p>Map forming Part of                  By-law No. 23-_____</p> <p>to Amend By-law No. 05-200                  Map 950</p>	<p><b>Subject Property</b></p> <p>81 Chatham Street, Hamilton</p> <p> Change in zoning from the Low Density Residential - Small lot (R1a) Zone to a site specific Low Density Residential - Small Lot (R1a, 845, H148) Zone</p>		
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-23-007</p>		
<p>Date: April 17, 2023</p>	<p>Planner/Technician: JA/VS</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		<p style="text-align: center;">Hamilton</p>	

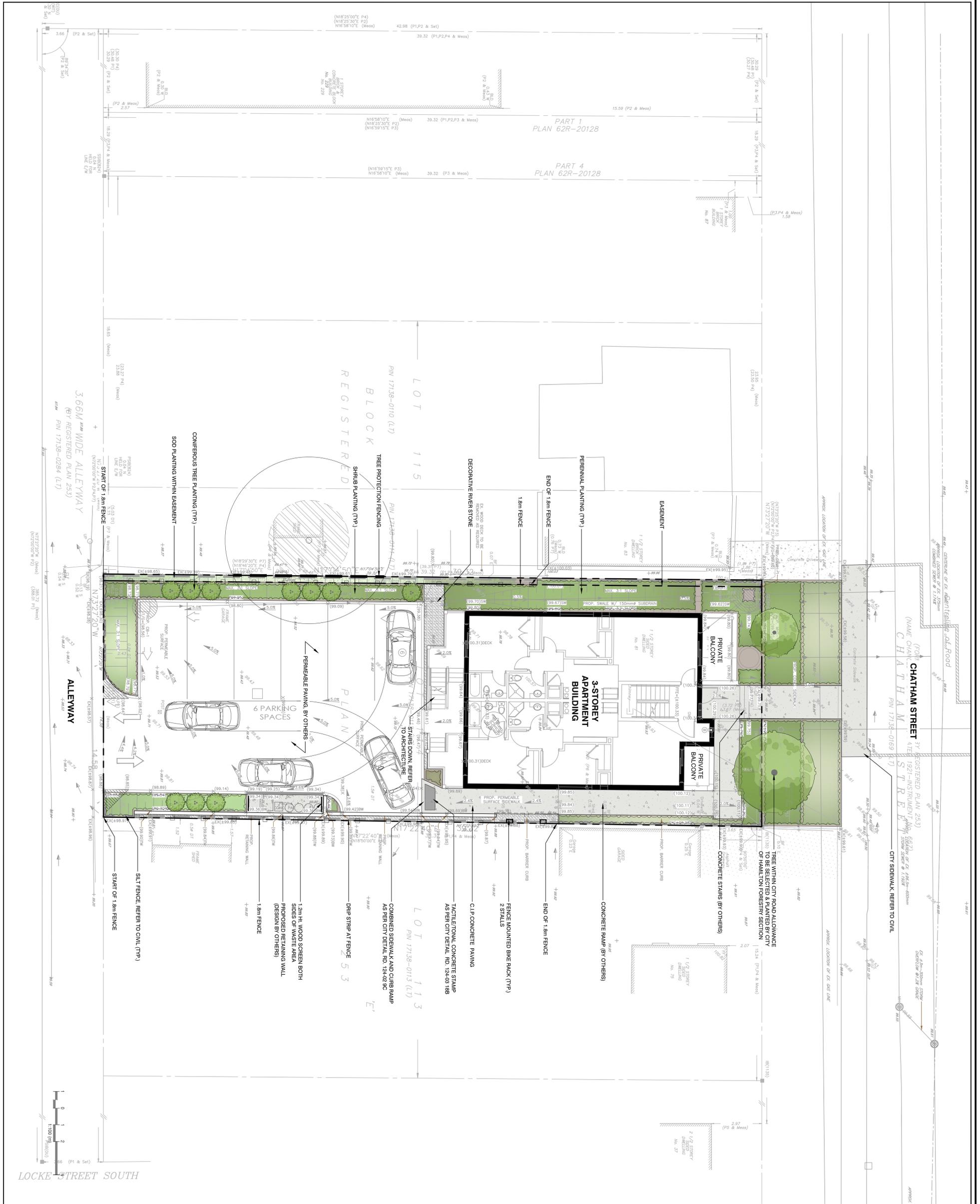
## Site Specific Modifications to the Low Density Residential – Small Lot (R1a) Zone

Regulation	Required	Modification	Analysis
Section 15.2.1 Permitted Uses and Section 15.2.1.1 Restricted Uses	N/A	To permit Multiple Dwelling with a maximum of six dwelling units	<p>The proposed use of a multiple dwelling will contribute to a mix of housing and tenure types in the surrounding area and is compatible with other low density residential uses in the surrounding area.</p> <p>The proposed land use represents residential intensification at a scale that is appropriate for the subject lands.</p> <p>Based on the foregoing, staff support the proposed modification.</p>
Section 15.2.2.1  Single Detached, Duplex Dwellings, and Day Nursery Regulations	N/A	Shall apply to the use of a Multiple Dwelling	<p>The proposed multiple dwelling maintains a built form which is compatible with other low density residential uses in the surrounding area in terms of massing and height.</p> <p>The regulations of the parent R1a Zone are appropriate for the proposed use of a multiple dwelling to maintain a consistent streetscape and achieve an appropriate transition in scale with the surrounding area. In addition, maintaining similar building setbacks and a similar building height with the surrounding dwellings helps to minimize any impacts related to shadow, access to sunlight, and privacy.</p>

Regulation	Required	Modification	Analysis
			Based on the foregoing, staff support the proposed modification.
Section 15.2.2.1 (c)  Front Yard Depth	3.0 metres	1.3 metres	<p>The intent of this regulation is to maintain a consistent streetscape and allow sufficient space for landscaped area. The proposed front yard depth of 1.3 metres is consistent with the low density residential uses along Chatham Street which maintain minimal to no setbacks from the front lot line. Staff is satisfied there is sufficient space for landscaping within the front yard and municipal boulevard to contribute to the streetscape along Chatham Street.</p> <p>Based on the foregoing, staff support the proposed modification.</p>
Section 5.2 a) i)  Planting Strip for Parking Area Adjacent to Residential Zone	A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.	<p>A required landscape strip may contain a concrete pad and retaining wall for a maximum length of 4.6 metres along the easterly side yard and</p> <p>no landscape strip shall be required for a maximum length 5.9 metres along the</p>	<p>The intent of this regulation is to provide adequate screening and distance separation between a parking area and an adjacent residential use to minimize any impacts related to lighting, privacy and noise.</p> <p>The modification to allow a 5.9 metre portion of the easterly side yard to have no landscaped strip and no setback to the parking area is proposed to allow additional space for vehicles to manoeuvre at the end of the parking area.</p>

Regulation	Required	Modification	Analysis
		easterly side yard.	<p>The modification to allow for a retaining wall and concrete pad within the landscape strip will allow for garbage storage while maintaining the necessary distance separation from the parking area.</p> <p>No modification is requested to remove the requirement for the visual barrier in accordance with Section 4.19 of the Zoning Bylaw.</p> <p>Based on the foregoing, Staff support this modification.</p>
Section 5.2 i) Minimum Aisle Width	6.0 metres	5.49 metres	<p>The intent of this regulation is to ensure all vehicles can manoeuvre in and egress from the required parking spaces safely and with adequate visibility.</p> <p>The minimum required aisle width of 6.0 metres cannot be accommodated on site without requiring a reduction in the width of the required landscape strips and parking space length due to the width of the subject lands.</p> <p>Parking spaces are only proposed on one side of the parking area in the rear yard and no conflict between vehicles is anticipated as a result of the proposed modification. Additional manoeuvring space is provided at the end of the parking area to ensure vehicles have adequate space to turn</p>

Regulation	Required	Modification	Analysis
			<p>around within the parking area.</p> <p>Based on the foregoing, Staff support this modification.</p>
<p>Section 5.5 Barrier Free Parking</p>	<p>1 Barrier Free Space</p>	<p>0 Barrier Free Spaces</p>	<p>Due to constraints of the site, there is insufficient space to provide a barrier free parking space without reducing the number of required parking spaces.</p> <p>Barrier free parking is not typically required for low density residential uses in an urban setting.</p> <p>Based on the number of proposed units on site, Staff are satisfied with the provision of no barrier free parking.</p>



Legend

- GENERAL NOTES:**
1. DRAWINGS NOT TO BE USED FOR CONSTRUCTION UNLESS AUTHORIZED BY THE LANDSCAPE ARCHITECT.
  2. CONTRACTOR SHALL REPORT ANY DISCREPANCIES BETWEEN THE DRAWINGS AND SITE CONDITIONS PRIOR TO COMMENCEMENT OF THE WORK.
  3. ALL UTILITY LOCATES ARE THE RESPONSIBILITY OF THE CONTRACTOR. HAND DIG WITHIN TREE LOCATIONS MUST BE REPORTED IMMEDIATELY TO THE LANDSCAPE ARCHITECT.
  4. BASE DRAWING PROVIDED BY GSP GROUP INC.
  5. FOR GRADING INFORMATION REFER TO DRAWING BY MERTTECH FOR SERVICES.
  6. LANDSCAPE DRAWINGS SHOW ENGINEERING INFORMATION FOR DESIGN PURPOSES ONLY. DO NOT CONSTRUCT ENGINEERING WORKS FROM THESE DRAWINGS.

## LANDSCAPE CONCEPT PLAN

81 CHATHAM STREET  
 HAMILTON, ONTARIO

ISSUED FOR ZBA, NOT FOR CONSTRUCTION.



DATE	ISSUE	BY
Nov. 4, 2022	Issued for ZBA	BR

Scale: 1:1000

Date September 14, 2022

2022 GSP Group Inc.  
 1000 Dundas Street East, Suite 200  
 Hamilton, Ontario L8N 3Z5  
 Tel: 905.571.8888  
 www.gspgroup.ca

Drawn By: RL JM  
 Project No.: 22218

**L0.2**

**Allen, Jennifer**

---

**From:** [REDACTED]  
**Sent:** Saturday, January 21, 2023 4:58 PM  
**To:** Allen, Jennifer  
**Subject:** ZAC-23-007

Are we able to email our concerns or does it have to be in the form of a letter to the city?

The following are a list of concerns and comments regarding the Zoning By-law Amendments Application ZAC-23-007 for 81 Chatham Street, Hamilton. We live on Charlton Ave behind the new build proposal.

1. Lighting in the back parking lot. A similar build was recently developed on Charlton Ave. W. and the lighting from the back parking lot and the back of the building was so bright that neighbours who live behind on Herkimer had to put up tarps to shade out the bright lights. Some lighting is good for safety, but not an overwhelming amount that shines so brightly into our backyard and house at night.
2. Our alley drive way is unfortunately the perfect spot for trucks and vehicles to turn around. Our driveway has already been damage due to construction vehicles using it as a turnaround. I would like to make sure our driveway is not touched during the construction process. Any damage needs to be fixed/replaced.
3. Dirt and dust. During construction can a street sweeper routinely clean the alley. Dust and mud needs to be contained.
4. Winter snow removal. If the back of the new build is going to have parking for 6, that means cars will be using the alley. For 15 plus year, ourselves and one other neighbour shovel the alley all the way to Dundurn about 50 metres. If the new build is going to have winter snow removal maintenance, can the contractor make sure the alley is ploughed as well. I do think it is right for me to shovel out for more people.
5. Many households have multiple cars and 6 spots will not be enough, this means cars will also have to park on the street, which is already packed with cars. Often people on Chatham will park on Charlton already.

Thank you

Please remove any of our personal information

[REDACTED]

**Allen, Jennifer**

---

**From:** [REDACTED]  
**Sent:** Tuesday, January 24, 2023 9:34 PM  
**To:** Allen, Jennifer  
**Subject:** ZAC-23-007

Hello Jennifer,

We are responding to the Notice received for the property located at 81 Chatham Street (ZAC-23-007).

We are residence on Charlton, and our back yard is across from this property.

While we are in favor of providing affordable housing in Hamilton, in a variety of forms (single dwelling homes, apartments, town homes, alley houses etc.) we do have concerns with some of the implications of this low density residential dwelling proposed for this site.

It states in the notice that there will be 6 parking spaces to the rear of the subject site. We share this alley way, and it is not serviced. Snow is not removed from this alley and there is no maintenance of any pot holes or cracks in the road surface. Any clean up, snow removal or trimming is done by the home owners and their families. No one will want to park in this parking spot if it means having to take a non accessible route to get there. This will in turn increase parking on the street - which is already impossible. For residents in this area, there are no longer any parking spots to return home to after work or school - this will just exacerbate the parking problems. What will be done to maintain the alley to ensure these provided parking spots will be used? What happens if a tenant owns more than one car? There is no room for more cars to park on these streets.

In providing safe parking at the rear of the building, we know from the building that is located up the street from us (Cumberland - which is now the same owner as this project) there must be lighting set up for the parking lot. As neighbors located directly behind this parking lot, we are not in favour of having our back yard illuminated all night with shining lights. What will be done to insure that those backing on to this property will not have lights constantly shining?

There is also a large tree that is located in this property, and we would not want to lose it. We are unsure if this is part of the plan, but already a couple large trees were cut down this past summer as they are preparing the site. It is devastating to see these trees being cut down, and we would hope to see the remaining one be part of the design plan.

We attended the meetings for the Cumberland build - so we are aware of the limitations neighbours and citizens have against building developers from Toronto. It is our hope that throughout this process, the neighbours are kept aware of each step, and that our concerns are being listened to and accounted for.

Thank you,

[REDACTED]



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

May 16, 2023

# PED23103– (ZAC-23-007)

Application for Zoning By-law Amendment for Lands Located at  
81 Chatham Street, Hamilton.

Presented by: Jennifer Allen

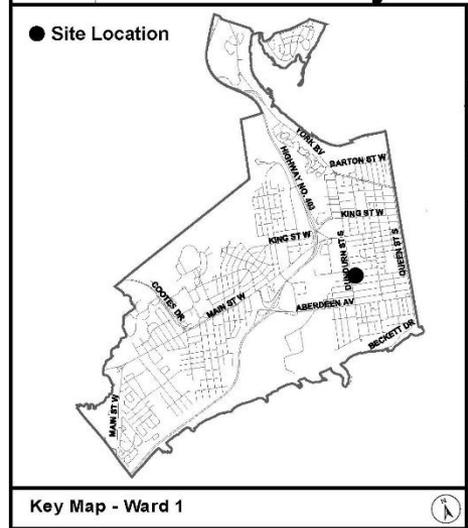
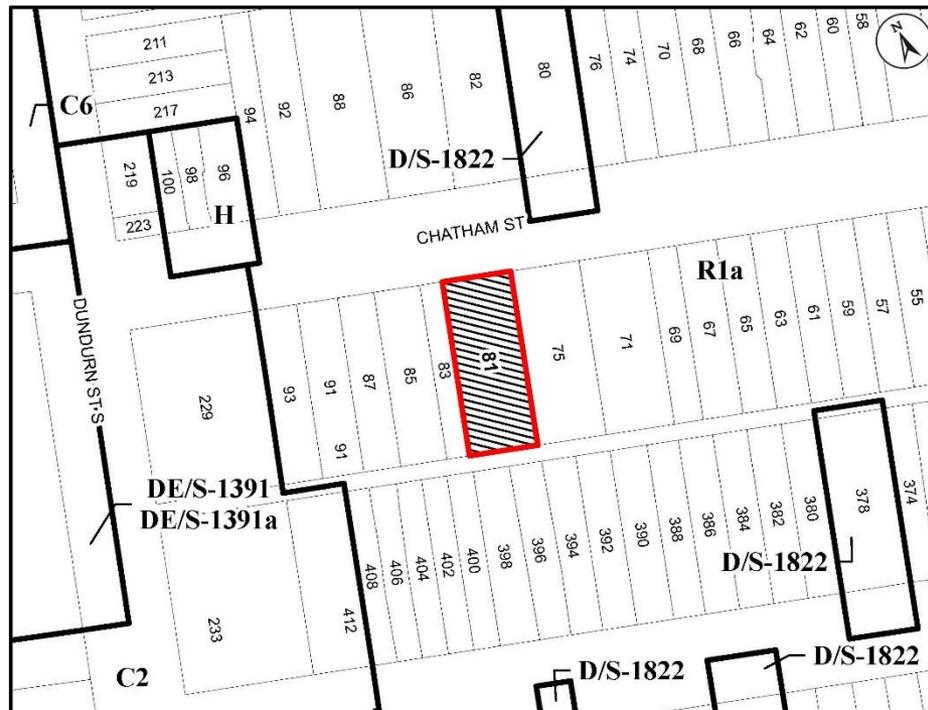


**SUBJECT PROPERTY**



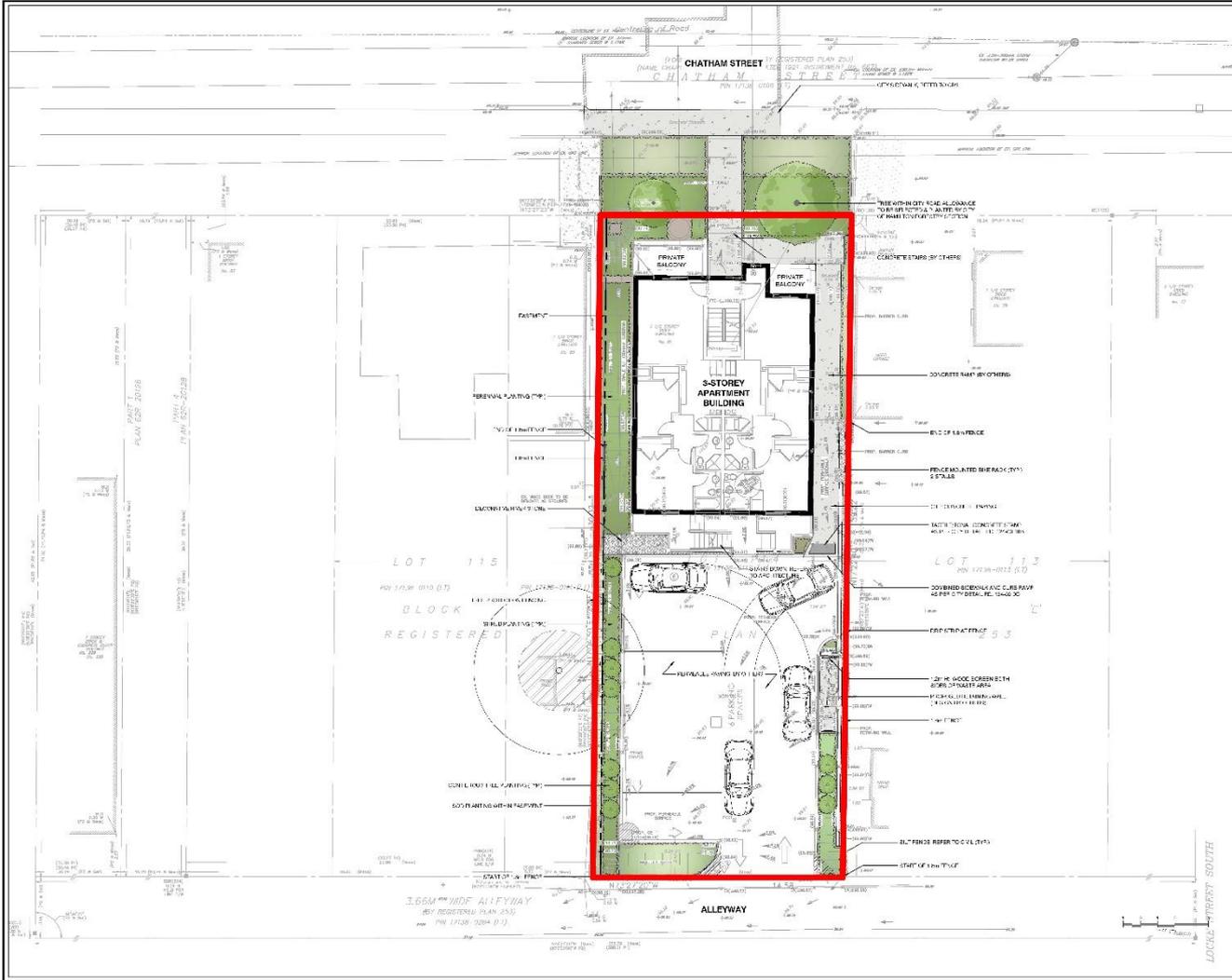
**81 Chatham Street, Hamilton**





<b>Location Map</b>		 Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAC-23-007	Date: April 17, 2023	
Appendix "A"	Scale: N.T.S.	Planner/Technician: JA/VS
<b>Subject Property</b>		
81 Chatham Street, Hamilton		
 Change in zoning from the Low Density Residential – Small Lot (R1a) Zone to a site specific Low Density Residential – Small Lot (R1a, 845, H148) Zone Modified		

Appendix "C" to Report #2023-03-01  
 Page 1 of 1



- Legend**
- GENERAL NOTES:**
1. OWNER SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS OF THE JURISDICTION APPLICABLE.
  2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING BY-LAW AND ALL APPLICABLE REGULATIONS OF THE CITY.
  3. ALL UTILITIES SHOWN ARE THE BEST AVAILABLE INFORMATION. THE OWNER SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
  4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING BY-LAW AND ALL APPLICABLE REGULATIONS OF THE CITY.
  5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING BY-LAW AND ALL APPLICABLE REGULATIONS OF THE CITY.
  6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING BY-LAW AND ALL APPLICABLE REGULATIONS OF THE CITY.

**LANDSCAPE CONCEPT PLAN**  
 81 CHATHAM STREET  
 HAMILTON, ONTARIO

ISSUED FOR ZBA, NOT FOR CONSTRUCTION.

DATE: 2023-03-01

SCALE: 1:500

**GSP group**

10.2

**EXTERIOR FINISH LEGEND**

- (A) HAND-FINISHED STONE (SEE) COLOR: WHITE-GREY
- (B) BRICK (BULLT, FINISH SYSTEM) (BPD) COLOR: BRICK
- (C) PREFINISHED METAL PANELS COLOR: POLY-COATED FINISH
- (D) PREFINISHED METAL CLIP FINISH COLOR: TO MATCH ADJACENT SURFACE
- (E) MULTIGRAN WOOD (WOOD EQUAL TO FILL) (SEE SPEC OR APPROVE EQUAL) COLOR: TO MATCH ADJACENT SURFACE
- (F) MULTIGRAN WOOD (WOOD EQUAL TO FILL) (SEE SPEC OR APPROVE EQUAL) COLOR: TO MATCH ADJACENT SURFACE
- (G) PREFINISHED METAL CLIP FINISH COLOR: TO MATCH ADJACENT SURFACE
- (H) PREFINISHED METAL CLIP FINISH COLOR: TO MATCH ADJACENT SURFACE
- (I) PREFINISHED METAL CLIP FINISH COLOR: TO MATCH ADJACENT SURFACE
- (J) PREFINISHED METAL CLIP FINISH COLOR: TO MATCH ADJACENT SURFACE
- (K) PREFINISHED METAL CLIP FINISH COLOR: TO MATCH ADJACENT SURFACE
- (L) PREFINISHED METAL CLIP FINISH COLOR: TO MATCH ADJACENT SURFACE
- (M) PREFINISHED METAL CLIP FINISH COLOR: TO MATCH ADJACENT SURFACE
- (N) PREFINISHED METAL CLIP FINISH COLOR: TO MATCH ADJACENT SURFACE
- (O) PREFINISHED METAL CLIP FINISH COLOR: TO MATCH ADJACENT SURFACE

**1 NORTH ELEVATION**  
 SCALE: 1/8" = 1'-0"

**3 EAST ELEVATION**  
 SCALE: 1/8" = 1'-0"

**2 SOUTH ELEVATION**  
 SCALE: 1/8" = 1'-0"

**4 WEST ELEVATION**  
 SCALE: 1/8" = 1'-0"

**LINTACK ARCHITECTS INCORPORATED**  
 544 KING STREET WEST, HAMILTON, ONTARIO, L8P 2B8  
 TEL: 905.525.2000 • FAX: 905.525.2001  
 WWW.LINTACKARCHITECTS.COM



Project Name	81 Chatham Street
Client	G&E Apartments
Location	Hamilton, ON
Scale	As Shown
Date	OCT 2022
Drawn by	A.1.0

Proposed:  
**81 Chatham Street**  
**G&E Apartments**  
 81 Chatham Street  
 Hamilton, ON

Job No.	20-049
Drawn by	A.1.0
Scale	As Shown
Date	OCT 2022
Drawn by	A.1.0
Title	ELEVATIONS & PERSPECTIVES
Scale	A.1.0



Front of the subject lands looking south on Chatham Street



Looking west on Chatham Street



Looking east on Chatham Street



Looking north on Chatham Street



Looking west on adjacent alleyway



Looking east on adjacent alleyway



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 16, 2023
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6)
<b>WARD(S) AFFECTED:</b>	Ward 6
<b>PREPARED BY:</b>	Mark Michniak (905) 546-2424 Ext. 1224
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-22-038, by 1000033959 Ontario Ltd. C/O Ian Ladd**, for a change in zoning from the Arterial Commercial (C7) Zone to the Arterial Commercial (C7, H142) Zone for lands located at 4 Trinity Church Road, Hamilton, to add a Holding Provision related to the heritage resource, and from the Agricultural "AA" District to the Business Park Support (M4, 842, H142) Zone for lands located at 10 Trinity Church Road, Hamilton, to permit the adaptive reuse of a heritage resource as a restaurant use, as shown on Appendix "A" attached to Report PED23088, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED23088, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol 'H142' to the proposed Arterial Commercial (C7) Zone and Business Park Support (M4, 842) Zone;

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 2 of 16**

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For such time as the Holding Provision is in place, these lands shall only be used for permitted uses listed in the (C7) and (M4) Zone within the buildings and structures existing at the time of the passing of this By-law.

The Holding Provision 'H142' is to be removed conditional upon:

- (i) The Owner submit and receive approval of a Cultural Heritage Impact Assessment Addendum that includes detailed architectural and structural drawings for the proposed changes, to the satisfaction of the Manager of Heritage and Design;
  - (ii) The Owner submit and receive approval of a Conservation Brief that includes structural drawings and masonry specifications for changes to the north elevation associated with the elevator addition, to the satisfaction of the Manager of Heritage and Design;
  - (iii) The Owner submit and receive approval of a Documentation and Salvage Brief scoped to the re-purposing of the Gothic window that will be removed from the north elevation, to the satisfaction of the Manager of Heritage and Design;
- (c) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow (2019, as amended), and comply with the Urban Hamilton Official Plan.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 4 and 10 Trinity Church Road and are located south of Rymal Road East and west of Trinity Church Road in the South Hannon Neighbourhood. The purpose of the Zoning By-law Amendment is for a change in zoning to the Arterial Commercial (C7) Zone and from the Agricultural "AA" District to the Business Park Support (M4, 842, H142) Zone for lands located at 10 Trinity Church Road to facilitate a supporting parking lot at 4 Trinity Church Road and the adaptive reuse of a heritage resource as a restaurant use at 10 Trinity Church Road.

10 Trinity Church Road contains a vacant place of worship, Trinity United Church, which was erected in 1873. The property is included in the City's Inventory of Heritage Buildings and Places of Worship Inventory. The property is not recognized under the *Ontario Heritage Act* through registration or designation. Interior renovations will be required to accommodate the restaurant. The ground floor will be the dining room while the basement will contain a private dining area, kitchens, and washrooms.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 3 of 16**

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The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan (UHOP); and,
- The proposed development represents good planning by, among other things, making efficient use of and preserving existing cultural heritage assets, developing a complete community, and providing supporting ancillary uses within an employment area.

**Alternatives for Consideration – See Page 16**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Applicant/Owner:	1000033959 Ontario Ltd. c/o Ian Ladd.
Agent:	T. Johns Consulting Group Ltd. c/o Katelyn Gillis.
File Number:	ZAC-22-038.
Type of Application:	Zoning By-law Amendment.
Proposal:	To facilitate a supporting parking lot at 4 Trinity Church Road and the adaptive reuse of a heritage resource as a restaurant use at 10 Trinity Church Road.
<b>Property Details</b>	
Municipal Address:	4 and 10 Trinity Church Road.
Lot Area:	0.25 ha.
Servicing:	Full municipal services.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 4 of 16**

<b>Property Details</b>	
Existing Use:	Surface parking at 4 Trinity Church Road and place of worship at 10 Trinity Church Road. The property at 10 Trinity Church Road is included in the City's Inventory of Heritage Buildings and Places of Worship Inventory. The property is not recognized under the <i>Ontario Heritage Act</i> through registration or designation.
Proposed Uses:	The existing place of worship on 10 Trinity Church Road is proposed to be repurposed for a restaurant use. The existing parking lot at 4 Trinity Church Road will provide the required parking through an offsite parking agreement and waste collection area for the restaurant.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	4 Trinity Church Road: "Secondary Corridor" on Schedule E – Urban Structure and "Arterial Commercial" on Schedule E-1 – Urban Land Use Designations.  10 Trinity Church Road: "Employment Areas" on Schedule E – Urban Structure and "Business Park" on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	4 Trinity Church Road: Arterial Commercial (C7) Zone (City of Hamilton Zoning By-law No. 05-200).  10 Trinity Church Road: Agricultural "AA" District (Former City of Hamilton Zoning By-law No. 6593).
Zoning Proposed:	4 Trinity Church Road: Arterial Commercial (C7, H142) Zone (City of Hamilton Zoning By-law No. 05-200).  10 Trinity Church Road: Business Park Support (M4, 842, H142) Zone (City of Hamilton Zoning By-law No. 05-200).

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 5 of 16**

<b>Documents</b>	
Modifications Proposed	The applicant proposed the following modifications to the Business Park Support (M4) Zone: <ul style="list-style-type: none"> <li>• To reduce the minimum lot area from 4000.0 square metres to 335.0 square metres;</li> <li>• To reduce the minimum yard abutting a street from 6.0 metres to 0.0 metres;</li> <li>• To remove the restrictions on location of a Restaurant use; and,</li> <li>• To remove landscaped area and planting strip requirements.</li> </ul>
<b>Processing Details</b>	
Received:	May 17, 2022
Deemed Complete:	June 13, 2022
Notice of Complete Application:	Sent to 11 property owners within 120 m of the subject property on June 29, 2022.
Public Notice Sign:	Posted July 7, 2022 and updated with Public Meeting date April 19, 2023.
Notice of Public Meeting:	Sent to 11 property owners within 120 m of the subject property on April 28, 2023.
Public Comments:	No comments were received.
Processing Time:	364 days from receipt of application.

### **EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>4 Trinity Church Road:</b>	Surface parking lot.	Arterial Commercial (C7) Zone.
<b>10 Trinity Church Road:</b>	Place of worship.	Agricultural "AA" District.

#### **Surrounding Lands – 4 Trinity Church Road:**

<b>North</b>	Single detached dwellings and sales centre.	Mixed Use Medium Density (C5, 589) Zone.
<b>South</b>	Cemetery.	Open Space (P4) Zone.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 6 of 16**

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<b>East</b>	Commercial plaza and gas station.	Community Commercial (C3, 598) Zone.
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<b>West</b>	Single detached dwelling and vacant land.	Arterial Commercial (C7) Zone.
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**Surrounding Lands – 10 Trinity Church Road:**

<b>North</b>	Cemetery.	Open Space (P4) Zone.
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<b>South</b>	Cemetery.	Open Space (P4) Zone.
--------------	-----------	-----------------------

<b>East</b>	Commercial plaza and gas station.	Community Commercial (C3, 598) Zone.
-------------	-----------------------------------	--------------------------------------

<b>West</b>	Cemetery.	Open Space (P4) Zone.
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**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of Provincial interest (e.g. efficiency of land use) are discussed in the Official Plan analysis below.

As the application for Zoning By-law Amendment complies with the Urban Hamilton Official Plan (UHOP) it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the Provincial Policy Statement (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 7 of 16**

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**Urban Hamilton Official Plan (UHOP)**

The lands located at 4 Trinity Church Road are identified as “Secondary Corridor” on Schedule E – Urban Structure and designated “Arterial Commercial” on Schedule E-1 – Urban Land Use Designations and the lands located at 10 Trinity Church Road are identified as “Employment Areas” on Schedule E – Urban Structure and designated “Business Park” on Schedule E-1 – Urban Land Use Designations in the UHOP. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167. The applicant has confirmed that this application is to be reviewed under the Urban Hamilton Official Plan policies currently in effect, as amended by OPA No. 167.

The following policies, amongst others, apply to the subject application.

**Cultural Heritage Resources**

“B.3.4.1.4 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.

B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act, R.S.O., 1990 c. P.13 either through appropriate planning and design measures or as conditions of development approvals.
- h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.”

Trinity United Church, a vacant place of worship which was erected in 1873, is located at 10 Trinity Church Road and is included in the City’s Inventory of Heritage Buildings and Places of Worship Inventory but is not recognized under the *Ontario Heritage Act* through registration or designation. Although not formally recognized, the subject property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the building and are contextually appropriate.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 8 of 16**

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A Cultural Heritage Impact Assessment has been prepared by Megan Hobson, dated April 24, 2022 and revised October 4, 2022. Staff have reviewed the revised Cultural Heritage Impact Assessment and have additional comments regarding the heritage status of the property and the impact of the proposed alterations. Therefore, Staff recommend that an 'H' Holding Provision be applied to the subject lands to advise the proponent that no demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject lands until the following conditions have been satisfied:

- Approval of a Cultural Heritage Impact Assessment Addendum that includes detailed architectural and structural drawings for the proposed changes;
- Approval of a Conservation Brief that includes structural drawings and masonry specifications for changes to the north elevation associated with the elevator addition; and,
- Approval of a Documentation and Salvage Brief scoped to the repurposing of the Gothic window that will be removed from the north elevation.

Staff are satisfied that with the application of this Holding Provision, the conservation and protection of the cultural heritage resource will be addressed.

#### Archaeology

“B.3.4.4.3 In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act, R.S.O., 1990 c. P.13:”

The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In the vicinity of distinctive or unusual landforms;
- 4) In areas of pioneer EuroCanadian settlement; and,
- 5) Along historic transportation routes.

As part of previous Site Plan Control application (DA-10-075) a Stage 1-2 archaeological report for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 9 of 16**

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reports for compliance with licensing requirements in a letter dated October 12, 2010. Staff are satisfied that the municipal interest in the archaeology of the site has been met.

#### Arterial Commercial

- “E.4.8.1 The range of permitted uses is intended to cater to the traveling or drive-by consumer. As well, the designation is intended to accommodate a limited range of land extensive retail stores which require outdoor storage or sales.
- E.4.8.2 The following uses shall be permitted on lands designated Arterial Commercial on Schedule E-1 – Urban Land Use Designations:
- a) Commercial uses including banquet halls, funeral homes, (OPA 69) restaurants, garden centres, furniture stores, building and lumber supply establishment, home improvement supply store, and retail primarily for the sale of building supplies;
  - b) Automotive related uses primarily for vehicle sales, service and rental, parts sales, gas bars, car washes, and service stations;
  - g) Accessory uses.”

City of Hamilton Zoning By-law No. 05-200 permits required parking facilities to be located off-site on another lot located within 300.0 metres provided that the use is permitted by both zones and where owners of both lots enter into an agreement with the City to be registered on title of both lots. The restaurant use is permitted within the Arterial Commercial (C7) Zone at 4 Trinity Church Road and will be permitted at 10 Trinity Church Road subject to this rezoning.

#### Business Park

- “E.5.4.1 The range of employment uses allows for a wide variety of industrial activity and accommodates employment support uses, such as offices, that will foster the development of a prestige employment area. The Employment Area – Business Park designation applies to the City’s business parks, excluding the Airport Business Park, identified on Schedule E-1 – Urban Land Use Designations.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 10 of 16**

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- E.5.4.3 The following uses may be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations, in accordance with the Zoning By-law: (OPA 109)
- a) Manufacturing, warehousing, repair service, building or contracting supply establishments, building and lumber supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation. Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited;
  - b) Uses which primarily support industry, including labour association halls, conference and convention centres, trade schools, commercial motor vehicle and equipment sales, and commercial rental establishments;
  - c) Ancillary uses which primarily support businesses and employees within business parks, including hotels, health and recreational facilities, financial establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, and commercial parking facilities;
  - d) Limited agricultural uses including only a cannabis growing and harvesting facility, a greenhouse and an aquaponics facility; (OPA 23) (OPA 112)
  - e) Waste processing facilities and waste transfer facilities; and,
  - f) Accessory uses, such as limited retail and office.
- E.5.4.4 In addition to Policy E.5.4.3 c), ancillary uses may be permitted within the Employment Area provided the following conditions are met:
- a) The uses shall be determined through the Zoning By-law in accordance with the policies of this Plan;
  - b) Notwithstanding Policy E.5.4.4 a), the Zoning By-law may:
    - i) Permit a limited number of restaurants where a need for the use can be justified; and,

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 11 of 16**

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- ii) Restrict or limit the number of ancillary uses from occupying Employment Areas.
- c) The need for the uses to support the businesses and employees within the Employment Area has been determined;
- d) The uses shall only be located along the exterior of the Employment Area and should generally be located at intersections of arterial or collector roads; and,
- e) Where possible, the uses should be clustered on single sites to limit the impact on the supply of developable lands for use permitted in Policy E.5.4.3 a). (OPA 109)”

The Business Park designation permits a variety of employment uses and ancillary uses, such as restaurants, to support businesses and employees within business parks. The Business Park Support (M4) Zone was created to provide ancillary uses within employment areas. In review of the criteria set out in policy E.5.4.4 staff note:

- The addition of a restaurant use will support existing local businesses, industries and employees of the area;
- The lands at 10 Trinity Church Road are located at the edge of an employment area and in proximity to the intersection of Rymal Road, a major arterial road, and Trinity Church Road, a collector road;
- The lands at 10 Trinity Church Road are approximately 337 square metres and surrounded on three sides by a cemetery. Use of this small and constrained parcel for an ancillary use is unlikely to impact the supply of developable lands for employment uses; and,
- The applicant provided a Need Assessment prepared by 100033959 Ontario Inc. and dated April 10, 2023 in support of the application which identifies that the use can support the surrounding business park.

Based on the foregoing, staff are of the opinion that the proposal complies with the policies of the Business Park designation.

#### Quality of Life and Complete Communities – Arts and Culture

“B.3.1.12 The City recognizes that arts and culture bring many benefits to the City of Hamilton. Arts and culture contribute to the City’s economy, cultural landscape, quality of life, vibrancy, livability, complete communities, and sense of place and can play a significant role in the adaptive reuse of older buildings and the transformation of deteriorated neighbourhoods and commercial areas.”

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 12 of 16**

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The proposed development represents the adaptive reuse of an existing building. This will contribute to the City's cultural landscape, quality of life, vibrancy, livability, and complete communities. The proposal complies with the complete community policies.

Therefore, the proposal complies with the UHOP.

**City of Hamilton Zoning By-law No. 05-200**

The subject lands are zoned Arterial Commercial (C7) Zone in City of Hamilton By-law No. 05-200 and Agricultural "AA" District in Former City of Hamilton Zoning By-law No. 6593, as shown on Appendix "A" attached to Report PED23088. The Arterial Commercial (C7) Zone permits a range of commercial uses, and the Agricultural "AA" District permits limited residential uses, institutional uses and agricultural uses. As such, the applicant has proposed a rezoning from the Agricultural "AA" Zone to the Business Park Support (M4) Zone to facilitate development of a restaurant within an existing building. The proposed zoning and zoning standards are consistent with the land designations in the UHOP. The rationale for the Zoning By-law Amendment is discussed in the Analysis and Rationale for Recommendation section, and an evaluation of the proposed modifications to the Zones are included in Appendix "C" attached to Report PED23088.

**RELEVANT CONSULTATION**

Department and Agencies		Response
<ul style="list-style-type: none"> <li>• Corporate Real Estate, Planning and Economic Development Department;</li> <li>• Financial Planning, Administration and Policy, Corporate Services;</li> <li>• Alectra Utilities; and,</li> <li>• Canada Post.</li> </ul>		No Comment
Department	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	Development Engineering does not have any objections to the approval of this Zoning By-law Amendment application.	Noted.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 13 of 16**

<b>Department</b>	<b>Comment</b>	<b>Staff Response</b>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	It should be determined if the subject proposal is encroaching into the municipal right-of-way by way of the existing ramp and stairs used to access the principal entrance which are proposed to remain.	The existing stairs are located within the municipal right-of-way. The applicant indicates that the ramp will be removed. This will be addressed at the Building Permit stage.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	There are no Municipal Tree Assets located on site; therefore, a Tree Management Plan will not be required.  Forestry has no concerns or requirements with the Zoning By-law Amendment application.	Noted.
Waste Management Division, Public Works Department	This property will not be eligible for municipal waste collection.	Noted.
Transportation Planning, Planning and Economic Development Department	Transportation Planning supports the proposed Zoning By-Law Amendment as the proposed development is projected to be generally supported by the surrounding transportation network.	Noted.
Landscape Architectural Services, Public Works Department	Require Grading Plan demonstrating that the grading and drainage will not negatively impact the adjacent cemetery lands.	The proposed change in uses will utilize the existing place of worship and parking lot. Minor grading changes to renovate the existing ramp will be addressed at the Building Permit stage through a Plot Plan.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to property owners within 120 m of the subject property on June 29, 2022. A Public Notice Sign was posted on the property on July 7, 2022, and updated on April 19, 2023, with the

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 14 of 16**

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Public Meeting date. Finally, Notice of the Public Meeting was given on April 28, 2023, in accordance with the requirements of the *Planning Act*.

The applicants submitted a Public Consultation Strategy with the supporting materials. As the application was minor, a neighbourhood meeting was not held.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) (PPS);
  - (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (iii) It complies with the Urban Hamilton Official Plan; and,
  - (iv) It represents good planning by, among other things, making efficient use of and preserving existing cultural heritage assets, developing a complete community, and providing supporting ancillary uses within an employment area.
  
2. Zoning By-law Amendment

The subject lands are currently zoned Arterial Commercial (C7) Zone in City of Hamilton By-law No. 05-200 and Agricultural “AA” District in Former City of Hamilton Zoning By-law No. 6593. The subject lands are proposed to be rezoned to the Arterial Commercial (C7, H142) Zone for lands located at 4 Trinity Church Road and to the Business Park Support (M4, 842, H142) Zone for lands located at 10 Trinity Church Road to permit the adaptive reuse of a heritage resource as a restaurant use. The proposed M4 Zone contains modifications to recognize existing conditions. The modifications are identified on pages 4 and 5 of Report PED23088 and discussed in detail in Appendix “C” attached to Report PED23088.

Supporting ancillary uses, such as restaurants, are permitted within the “Business Park” designation of the UHOP, subject to conditions to determine the need of the use. City of Hamilton Zoning By-law No. 05-200 permits required parking facilities to be located off-site on another lot located within 300.0 metres provided that the use is permitted by both zones and where owners of both lots enter into an agreement with the City to be registered on title of both lots. The restaurant use is permitted within the Arterial Commercial (C7) Zone at 4 Trinity

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 15 of 16**

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Church Road and will be permitted at 10 Trinity Church Road subject to this rezoning. In addition, the proposal is a form of adaptive re-use envisioned by the UHOP.

Staff are in support of this change of zoning as the proposal complies with the UHOP policies.

3. Holding Provision

An "H" Holding Provision is recommended to address cultural heritage policies. For such time as the Holding Provision is in place, these lands shall only be used for permitted uses listed in the (C7) and (M4) Zone within the buildings and structures existing at the time of the passing of this By-law. The Holding Provision is to be removed conditional upon:

- That the owner submit and receive approval of a Cultural Heritage Impact Assessment Addendum that includes detailed architectural and structural drawings for the proposed changes, to the satisfaction of the Manager of Heritage and Urban Design;
- That the owner submit and receive approval of a Conservation Brief that includes structural drawings and masonry specifications for changes to the north elevation associated with the elevator addition, to the satisfaction of the Manager of Heritage and Urban Design; and,
- That the owner submit and receive approval of a Documentation and Salvage Brief scoped to the re-purposing of the Gothic window that will be removed from the north elevation, to the satisfaction of the Manager of Heritage and Urban Design.

4. Site Plan

A Site Plan Control application will not be required to implement the proposal. The proposed modification to the existing building at 10 Trinity Church Road does not warrant a Site Plan Control application. The parking lot at 4 Trinity Church Road is existing and is intended to support the restaurant use at 10 Trinity Church Road. The applicants indicated that they will not be collecting compensation for use, therefore it is not a commercial parking lot.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) - Page 16 of 16**

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## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment Application not be approved, the lands located at 4 Trinity Church Road will remain Arterial Commercial (C7) Zone and the lands located at 10 Trinity Church Road will remain Agricultural “AA” District. The Arterial Commercial (C7) Zone permits a range of commercial uses, and the Agricultural “AA” District permits limited residential uses, institutional uses and agricultural uses.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

## **APPENDICES AND SCHEDULES ATTACHED**

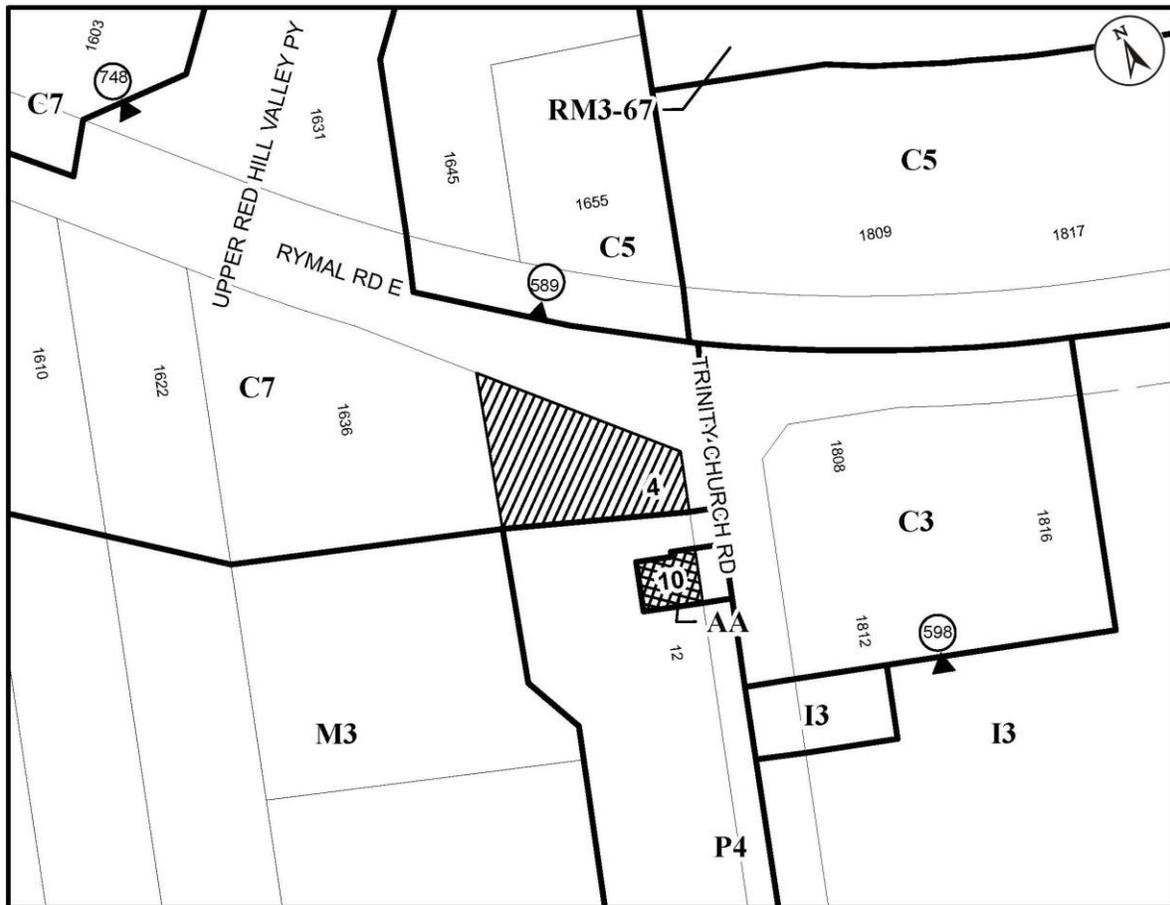
Appendix “A” to Report PED23088 – Location Map

Appendix “B” to Report PED23088 – Draft Zoning By-law

Appendix “C” to Report PED23088 – Zoning Modification Chart

Appendix “D” to Report PED23088 – Concept Plan

MM:sd



● Site Location



Key Map - Ward 6

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-22-038

Date:  
February 28, 2023

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
MM/NB

### Subject Property

4 and 10 Trinity Church Road, Hamilton (Ward 6)

 Block 1 - Change in zoning from the Arterial Commercial (C7) Zone to the Arterial Commercial (C7, H142) Zone

 Block 2 - Lands to be added as Business Park Support (M4, 842, H142) Zone

**Appendix “B” to Report PED23088  
Page 1 of 4**

**Authority:** Item XX, Planning Committee  
Report  
CM:  
Ward: 6

**Bill No.**

**CITY OF HAMILTON  
BY-LAW NO. 23-**

**To amend Zoning By-law No. 05-200 with respect to lands located at 4 and 10  
Trinity Church Road, Hamilton**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on May 16, 2023;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

**NOW THEREFORE** Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map No. 1548 of Schedule “A” – Zoning Maps is amended by:
  - a) Changing the zoning from the Arterial Commercial (C7) Zone to the Arterial Commercial (C7, H142) Zone for the lands shown as “Block 1” on Schedule “A” to this By-law; and,
  - b) Adding the Business Park Support (M4, 842, H142) Zone for the lands shown as “Block 2” on Schedule “A” to this By-law;
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:
 

“842. Within the lands zoned Business Park Support (M4, 842) Zone, identified on Map 1548 of Schedule “A” – Zoning Maps and described as 10 Trinity Church Road, the following special provisions shall apply:

  - a) Notwithstanding Section 9.4.3 a), 9.4.3 b) i), 9.4.3 j) i), 9.4.3 k) the following shall apply:

i)	Minimum Lot Area	335.0 square metres
ii)	Minimum Yard Abutting a Street	0.0 metres
iii)	Size and Location Restriction for Supportive Commercial Uses	Shall not apply for a Restaurant.

**Appendix “B” to Report PED23088  
Page 2 of 4**

**To amend Zoning By-law No. 05-200 with respect to lands located at 4 and 10 Trinity Church Road,  
Hamilton**

iv)	Landscaped Area and Planting Strip Requirements	Shall not apply.

3. That Schedule “D” – Holding Provisions be amended by adding the following new Holding Provision:

“142. Notwithstanding Section 9.4 and Section 10.7 of this By-law, within lands zoned Arterial Commercial (C7) Zone and Business Park Support (M4, 842) Zone, identified on Map 1548 of Schedule “A” – Zoning Maps and described as 4 and 10 Trinity Church Road, development shall be restricted in accordance with the following:

a) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses listed in the (C7) and (M4) Zone within the buildings and structures existing at the time of the passing of this By-law.

b) Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the subject lands when the following conditions have been satisfied:

- i) That the owner submits and receive approval of a Cultural Heritage Impact Assessment Addendum that includes detailed architectural and structural drawings for the proposed changes, to the satisfaction of the Manager of Heritage and Urban Design;
- ii) That the owner submits and receive approval of a Conservation Brief that includes structural drawings and masonry specifications for changes to the north elevation associated with the elevator addition, to the satisfaction of the Manager of Heritage and Urban Design; and,
- iii) That the owner submit and receive approval of a Documentation and Salvage Brief scoped to the re-purposing of the Gothic window that will be removed from the north elevation, to the satisfaction of the Manager of Heritage and Urban Design.”

4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Arterial Commercial (C7, H142)

**Appendix "B" to Report PED23088**

**Page 3 of 4**

**To amend Zoning By-law No. 05-200 with respect to lands located at 4 and 10 Trinity Church Road,  
Hamilton**

Zone and Business Park Support (M4, 842, H142), subject to the special requirements referred to in Section Nos. 2, and 3 of this By-law.

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
A. Horwath  
Mayor

\_\_\_\_\_  
A. Holland  
City Clerk

ZAC-22-038

**Appendix "B" to Report PED23088**  
**Page 4 of 4**

To amend Zoning By-law No. 05-200 with respect to lands located at 4 and 10 Trinity Church Road, Hamilton



<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the ..... day of ....., 2023</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p>
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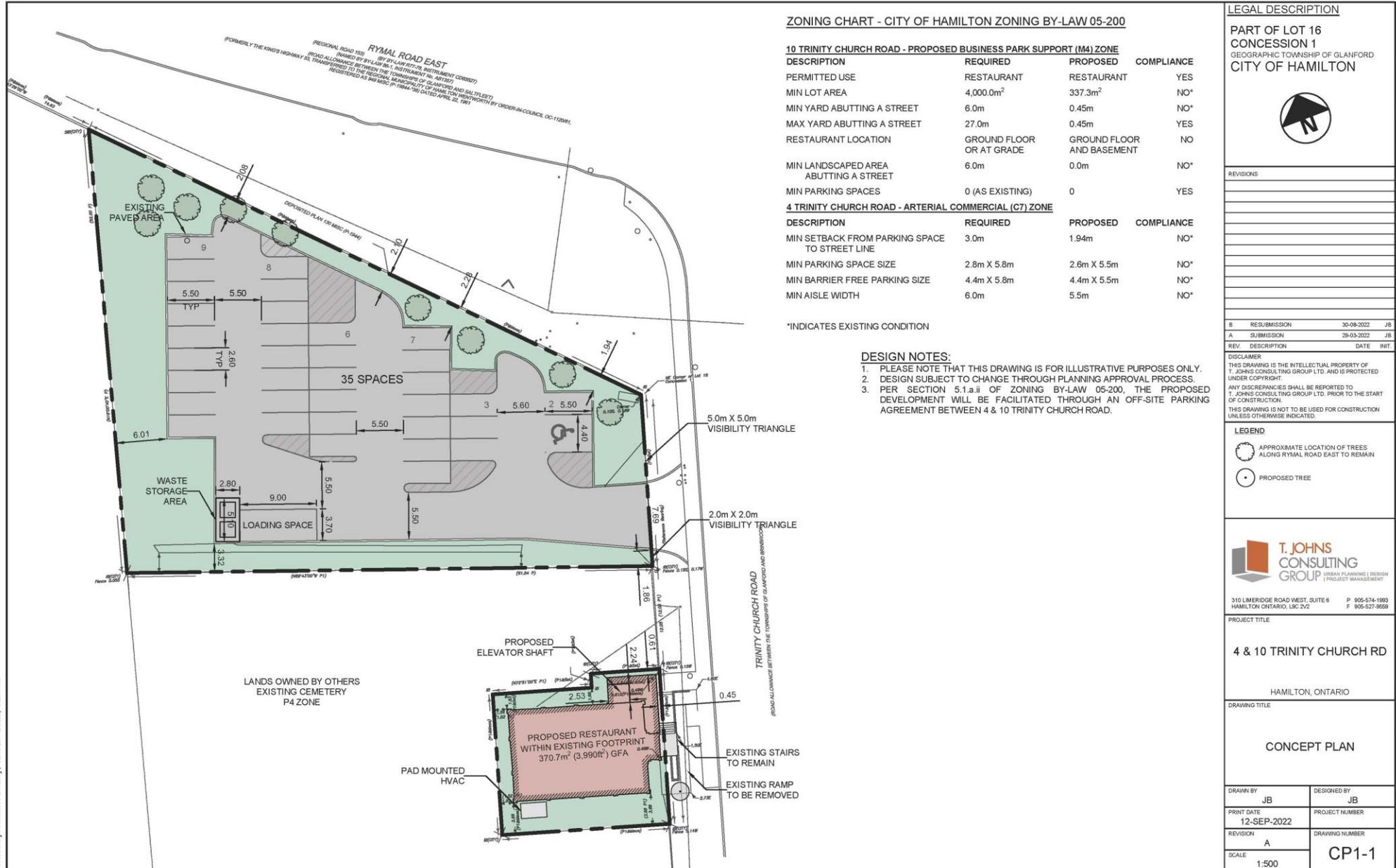
<p><b>Schedule "A"</b></p> <p>Map forming Part of</p> <p>By-law No. 23-_____</p> <p>to Amend By-law No. 05-200</p> <p>Map 1548</p>	<p><b>Subject Property</b></p> <p>4 and 10 Trinity Church Road, Hamilton (Ward 6)</p> <p> Block 1 - Change in zoning from the Arterial Commercial (C7) Zone to the Arterial Commercial (C7, H142) Zone</p> <p> Block 2 - Lands to be added as Business Park Support (M4, 842, H142) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-22-038	<p>Hamilton</p>
Date: February 28, 2023	Planner/Technician: MM/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

### Site Specific Modifications to the Business Park Support (M4) Zone

Regulation	Required	Modification	Analysis
Minimum Lot Area	4,000 square metres.	335.0 square metres.	<p>The proposed minimum lot area reflects the size of the existing lot, therefore a site specific modification is required to accommodate the proposed development.</p> <p>Therefore, staff supports this modification.</p>
Minimum Yard Abutting a Street	6 metres.	0.0 metres.	<p>The proposed minimum yard abutting a street reflects the yard of the existing building, which abuts the property line abutting the street, therefore a site specific modification is required to accommodate the proposed development.</p> <p>Therefore, staff supports this modification.</p>
Size and Location Restriction for Supportive Commercial Uses	<p>The following uses shall only be permitted on the ground floor of a building or be located at grade on any lot:</p> <p>Financial Establishment Personal Services Restaurant Retail</p>	Shall not apply.	<p>The entire existing building is intended to be utilized as a restaurant, therefore restrictions to the size and location of the use are not necessary.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Landscaped Area and Planting Strip	<p>Minimum 6.0 metre wide Landscaped Area shall be provided and maintained abutting a street, except for points of ingress and egress.</p> <p>Within the 6.0 metre Landscaped Area, a minimum 3.0 metre wide Planting Strip shall be required and maintained between parking spaces, aisles or driveways and a street, except for points of ingress and egress.</p>	Shall not apply.	<p>The proposed minimum landscaped area and planting strip reflects the area of the existing building, which abuts the property line abutting the street, therefore a site specific modification is required to accommodate the proposed development.</p> <p>Therefore, staff supports this modification.</p>



**ZONING CHART - CITY OF HAMILTON ZONING BY-LAW 05-200**

10 TRINITY CHURCH ROAD - PROPOSED BUSINESS PARK SUPPORT (M4) ZONE			
DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
PERMITTED USE	RESTAURANT	RESTAURANT	YES
MIN LOT AREA	4,000.0m <sup>2</sup>	337.3m <sup>2</sup>	NO*
MIN YARD ABUTTING A STREET	6.0m	0.45m	NO*
MAX YARD ABUTTING A STREET	27.0m	0.45m	YES
RESTAURANT LOCATION	GROUND FLOOR OR AT GRADE	GROUND FLOOR AND BASEMENT	NO
MIN LANDSCAPED AREA ABUTTING A STREET	6.0m	0.0m	NO*
MIN PARKING SPACES	0 (AS EXISTING)	0	YES
4 TRINITY CHURCH ROAD - ARTERIAL COMMERCIAL (C7) ZONE			
DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
MIN SETBACK FROM PARKING SPACE TO STREET LINE	3.0m	1.94m	NO*
MIN PARKING SPACE SIZE	2.8m X 5.8m	2.6m X 5.5m	NO*
MIN BARRIER FREE PARKING SIZE	4.4m X 5.8m	4.4m X 5.5m	NO*
MIN AISLE WIDTH	6.0m	5.5m	NO*

\*INDICATES EXISTING CONDITION

**DESIGN NOTES:**

- PLEASE NOTE THAT THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.
- DESIGN SUBJECT TO CHANGE THROUGH PLANNING APPROVAL PROCESS.
- PER SECTION 5.1.a.ii OF ZONING BY-LAW 05-200, THE PROPOSED DEVELOPMENT WILL BE FACILITATED THROUGH AN OFF-SITE PARKING AGREEMENT BETWEEN 4 & 10 TRINITY CHURCH ROAD.

**LEGAL DESCRIPTION**  
 PART OF LOT 16  
 CONCESSION 1  
 GEOGRAPHIC TOWNSHIP OF GLANFORD  
 CITY OF HAMILTON



REVISIONS

REV.	DESCRIPTION	DATE	BY
B	RESUBMISSION	30-09-2022	JB
A	SUBMISSION	28-05-2022	JB

**DISCLAIMER:**  
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**LEGEND**

- APPROXIMATE LOCATION OF TREES ALONG RYMAL ROAD EAST TO REMAIN
- PROPOSED TREE

**T. JOHNS CONSULTING GROUP**  
 URBAN PLANNING | DESIGN | PROJECT MANAGEMENT  
 310 LIMERIDGE ROAD WEST, SUITE 6  
 HAMILTON ONTARIO, L8C 2V2  
 P 905-574-1993  
 F 905-527-9569

PROJECT TITLE  
**4 & 10 TRINITY CHURCH RD**  
 HAMILTON, ONTARIO

DRAWING TITLE  
**CONCEPT PLAN**

DRAWN BY JB	DESIGNED BY JB
PRINT DATE 12-SEP-2022	PROJECT NUMBER
REVISION A	DRAWING NUMBER CP1-1
SCALE 1:500	

Plotted by: Jennifer Badley, 12-SEP-2022, 1:27PM



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

May 16, 2023

## **PED23088– (ZAC-22-038)**

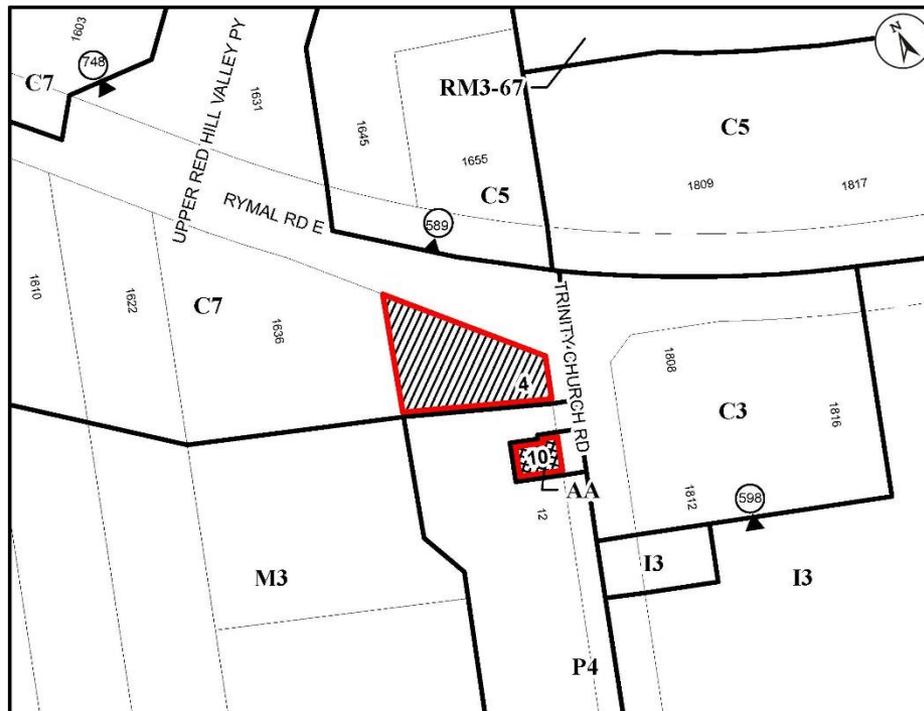
Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton.

Presented by: Mark Michniak

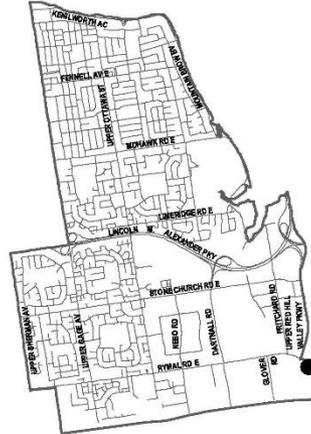


**SUBJECT PROPERTY**  4 & 10 Trinity Church Road, Hamilton





● Site Location



Key Map - Ward 6

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-22-038

Date:  
February 28, 2023

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
MM/NB

**Subject Property**

4 and 10 Trinity Church Road, Hamilton (Ward 6)

-  Block 1 - Change in zoning from the Arterial Commercial (C7) Zone to the Arterial Commercial (C7, H142) Zone
-  Block2 - Lands to be added as Business Park Support (M4, 842, H142) Zone





Subject Property - 10 Trinity Church Road



Subject Property – 4 Trinity Church Road



Trinity Church Road looking north



Trinity Church Road looking south



Rymal Road East looking west



Properties on the opposite side of Rymal Road East



Properties on the opposite side of Trinity Church Road



Properties on the opposite side of Trinity Church Road



Sidewalk connection along Trinity Church Road between the two properties



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**General Manager's Office**

<b>TO:</b>	Mayor and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 16, 2023
<b>SUBJECT/REPORT NO:</b>	Amendments to City of Hamilton By-laws Respecting Protection of Woodlands (PED23115) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Steve Robichaud (905) 546-2424 Ext. 4281 Monica Ciriello (905) 546-2424 Ext. 5809
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the amending By-law (By-law No. 23-XXX), which amends By-law 14-212, being a By-law, To Promote the Conservation and Sustainable Use of Woodlands on Private Property within the Urban Boundary of the City of Hamilton, attached as Appendix "B" to Report PED23115, which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (b) That the amending By-law (By-law No. 23-XXX), which amends By-law R00-054, being a By-law, To Restrict and Regulate the Destruction of Trees in the Regional Municipality of Hamilton-Wentworth, attached as Appendix "C" to Report PED23115 which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (c) That Licensing and By-law Services staff be directed to monitor the number of permit applications and public inquiries from property owners as a result of the by-law amendments, and report back through the 2024 Budget process with any recommended staffing or budget enhancements;

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Amendments to City of Hamilton By-laws Respecting Protection of Woodlands (PED23115) (City Wide) - Page 2 of 11**

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- (d) That, should the by-law amendments result in workload implications beyond the capacities of the current staff complement, that staff be authorized to secure any necessary short-term contractual resources to an upset limit of \$100,000 to support the enforcement and implementation of By-law 14-212 and By-law R00-054 to be funded from the Climate Change Reserve Account No. 108062.

**EXECUTIVE SUMMARY**

Council, at its meeting of April 12, 2023, directed Planning and Economic Development Department staff as follows:

- (a) That staff report back to Planning Committee with recommendations on how existing by-laws could be amended to provide protection to trees in the newly expanded urban boundary areas, and within the lands removed by the Province from the Greenbelt; and,
- (b) That additional staffing or resourcing needs, within the current budget and FTE's or otherwise required to implement and enforce the amended by-law be included in the report.

Currently, there are five by-laws in effect conserving trees and woodlands on private property. Two by-laws regulate woodlands (the former Regional Woodlands By-law R00-054 applicable to the rural and urban area and an Urban Woodlands By-law 14-212). In addition, the former area Municipalities of Ancaster, Dundas, and Stoney Creek each adopted tree protection by-laws applicable to part of the former municipalities. A summary of the current by-laws is attached as Appendix "A" to Report PED23115.

The amendments proposed in this report would apply only to the two by-laws that regulate woodlands (the former Regional Woodlands By-law R00-054 and the Urban Woodlands By-law 14-212). The amendments would expand the scope of these two by-laws to include protection for individual trees, subject to the criteria contained within the by-laws, within the newly expanded urban boundary areas and within the lands removed by the Province from the Greenbelt. Housekeeping and other administrative amendments are also proposed to By-law R00-054 to harmonize the operational elements of By-law R00-054 with By-law 14-212.

**Alternatives for Consideration – See Page 11**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The amendments as proposed are expected to have limited impact on current budget resources, as the scope of the by-law amendments are

**SUBJECT: Amendments to City of Hamilton By-laws Respecting Protection of Woodlands (PED23115) (City Wide) - Page 3 of 11**

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limited in both geographic scope and the number of properties that would be impacted. Furthermore, the proposed roll-out of the by-law amendments does not include a proactive education and awareness program which is being explored as part of the draft Urban Forestry Strategy, which would otherwise result in resourcing impacts. That said, given there is some uncertainty in the number of inquiries or permit applications that will be received as a result of the by-law changes, staff are seeking the authority, pursuant to Recommendation (d) of this report, to access funding up to an upset limit of \$100,000 to secure contract resources, if necessary, to support enforcement and implementation. Staff will also, pursuant to Recommendation (c) of this report, monitor the number of permit applications and public inquiries from property owners as a result of the by-law amendments, and report back through the 2024 Budget process with any recommended staffing or budget enhancements.

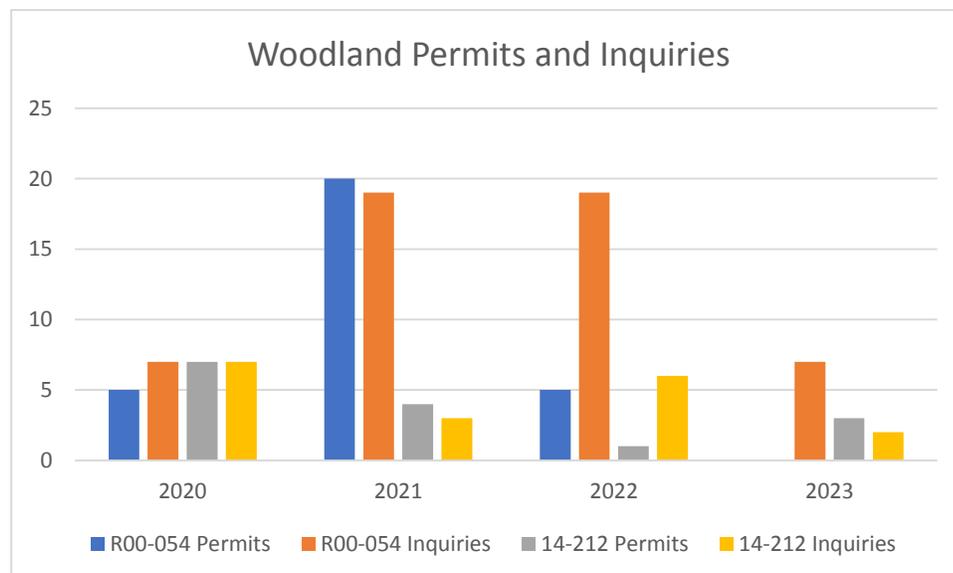
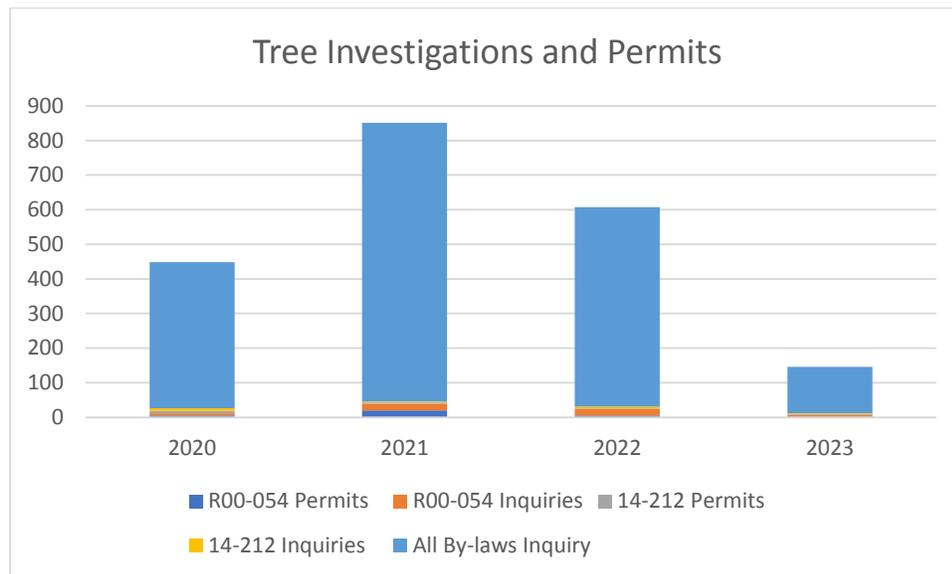
**Staffing:** There is currently one full-time Municipal Law Enforcement Officer Forestry (MLEO-F) within the Licensing and By-law Services Division to respond to inquiries and complaints, issue permits, and undertake enforcement for all of the City's tree by-laws, as well as matters affecting trees related to other by-laws (e.g. property standards). The MLEO-F is a unique role within the Division, which has specialized, required or preferred qualifications such as:

- A college program in a recognized forestry, arboriculture, or forest ecology program and/or a combination of education and work-related experience;
- Certified Tree marker;
- Certified in TRAQ (Tree Risk Assessment Qualification);
- Registered Professional Forester (RFP);
- Managed Forest Plan Approver (MFPA);
- International Society of Arboriculture (ISA); and,
- Butternut Health Assessor (BHA).

The amendments as proposed are expected to have limited impact on staffing resources, as the scope of the by-law amendments are limited in both geographic scope and the number of properties that would be impacted. Furthermore, the proposed roll-out of the by-law amendments does not include a proactive education and awareness program which is being explored as part of the draft Urban Forestry Strategy, which would otherwise result in staffing impacts. There is little to no existing capacity for the current single MLEO-F to take on additional work. Investigations require skilled interpretations to public inquiries, review of permit applications for both minor and complex silviculture/timber harvests, and

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boundary tree inquiries where safety of persons/properties are at risk. In addition, staff often consult with a number of agencies including Conservation Authorities, Ministry of Natural Resources and Fisheries (MNR/F), Niagara Escarpment Commission (NEC), etc, and internal departments (e.g., Natural Heritage Planning, Building, etc.) Additional time is also required for site visits, tree assessments, point sampling (to establish definition of woodland), issuance of Orders to Discontinue/Comply, recording of evidence and creation of prosecutor's briefs for court. Overall, the length of time involved can vary from a few hours to weeks for each investigation.



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To accommodate the additional work that will potentially be required as a result of the expanded scope of the by-laws, staff will first seek to accommodate the work within existing staff resources. This may result in reduced service levels related to responding to tree inquiries and permit requests. Should additional resources be required, staff are seeking the authority, pursuant to Recommendation (d) of this report, to access funding up to an upset limit of \$100,000 to secure contract resources to support enforcement and implementation. Staff will also, pursuant to Recommendation (c) of this report, monitor the number of permit applications and public inquiries from property owners as a result of the by-law amendments, and report back through the 2024 Budget process with any recommended staffing or budget enhancements.

Legal: N/A

### **HISTORICAL BACKGROUND**

Council, at its meeting of April 12, 2023, directed Planning and Economic Development Department staff to report back to Planning Committee with recommendations on how existing by-laws could be amended to provide protection to trees in the newly expanded urban boundary areas, and within the lands removed by the Province from the Greenbelt. In addition, staff were to include in the staff report any additional staffing or resourcing needs required to implement and enforce the amended by-law.

In 2004, Planning and Economic Development Department staff prepared Report PED02229(a), which outlined the options for developing a Tree and Woodland Conservation By-law for private property in Hamilton. The Report indicated that a new By-law was needed to consolidate the existing Tree/Woodland Conservation By-laws of the former regional and local municipalities, which were out-of-date. At that time, Council approved hiring one full-time employee to administer and enforce the existing By-laws from the former regional and local municipalities. Council also directed staff to prepare a new By-law and to conduct public consultation to protect both individual trees as well as woodlands.

After extensive public consultation, staff revised the draft by-law in 2008 and 2009. The revised draft Private Tree and Woodland Conservation By-law to regulate trees on private property in both Rural and Urban Hamilton was presented to Committee in October 2009. The draft By-law proposed the following:

- Regulate larger woodlands (1.0 ha or 2.5 ac. or more in size) in both the Rural and Urban Areas;
- Regulate smaller woodlands (greater than 0.2 ha or 0.5 ac. and less than 1.0 ha or 2.5 ac. in size) in the Urban Area; and,

**SUBJECT: Amendments to City of Hamilton By-laws Respecting Protection of Woodlands (PED23115) (City Wide) - Page 6 of 11**

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- Individual trees 40 cm. diameter at breast height or more were also proposed to be regulated by the By-law.

Planning Committee received the presentation, and the By-law as recommended by staff was not adopted. Since that time, the By-laws that were enacted by the former Municipalities (Region of Hamilton-Wentworth, Dundas, Ancaster, and Stoney Creek) have remained in effect.

In 2013, Council directed staff to report back on an Urban Woodlands Conservation By-law in response to tree cutting in future development areas. After extensive public consultation, Council adopted By-law 14-212, being an Urban Woodland Conservation By-law, which regulates woodlands in the Urban Area in 2014. To meet the definition of a woodland in By-law 14-212, a stand of trees must be of a prescribed density and at least 0.2 ha (0.5 ac) in size. Landowners who wish to remove a tree or trees in woodland as defined in By-law 14-212 are required to apply for a permit to authorize the removal of a tree or trees. The process to obtain a permit, conditions to be considered when issuing permits, the process to appeal a decision on a permit, penalties for violations, and the powers of Municipal Law Enforcement Officers (MLEOs) when enforcing the By-law are contained within the applicable provisions of By-law 14-212.

A summary of the current by-laws is attached as Appendix “A” to Report PED23115.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The existing by-laws adopted by the former municipalities of Ancaster, Dundas and Stoney Creek and the Urban Woodlands By-law (i.e. By-law 14-212) were passed under the Municipal Act, which allows a municipality to regulate the destruction of individual trees and small woodlands. The Regional By-law was passed under the *Forestry Act* and applies to Urban and Rural Areas.

Report PED23115 does not propose any amendments to the by-laws adopted by the former municipalities of Ancaster, Dundas and Stoney Creek, and these would remain in effect. Woodlands in the former municipalities are currently included in the Regional and Urban Woodland Protection and Conservation By-laws.

Report PED23115 is proposing amendments to the Urban Woodlands By-law 14-212 passed under the *Municipal Act* as well as the Regional By-law R00-054 which was passed under the *Forestry Act*.

The proposed amendments to the existing Urban Woodland By-law and Regional By-law would support the goals of the Provincial Policy Statement and Greenbelt Plan to protecting the biodiversity of natural heritage systems. The amendments will assist the City in limiting negative impacts on trees outside of significant woodlands, wetlands, and

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wildlife habitat. The Hamilton Urban Official Plan requires that the City maintain and update the Private Tree and Woodland Conservation By-law and protect tree cover on new development sites (Chapter C – City-Wide Systems and Designations, Policy No. C.2.11, Tree and Woodland Protection). The proposed by-law amendments will also contribute to the City’s goals to improve natural areas and corridors and improve water and air quality. The by-law amendments would also contribute to the Environmental Stewardship goals in the Corporate Strategic Plan by ensuring that natural resources are protected and enhanced, and the City’s goals and commitments under its Climate Change Action Plan.

**RELEVANT CONSULTATION**

Staff in the City’s Planning Division, Licensing and By-law Services Division, Legal Services, and Office of Climate Change Initiatives were consulted in the preparation of this report.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The current Urban Woodlands By-law (By-law 14-212) and Regional By-law (R00-054) only apply to the removal of trees within woodlands. The Urban Woodlands By-law 14-212 is applicable to lands in the Urban Area, and is therefore now applicable to the former rural lands that were recently added to the City’s Urban Boundary by the Provincial Government (referred to as the “Urban Boundary Expansion” or “UBE” lands). The Regional By-law R00-054 is applicable to lands in the Rural Area and Urban Area and is therefore applicable to the lands that were removed from the Greenbelt by the Provincial Government, but that currently remain in the Rural Area (referred to as the “Greenbelt Removal” lands).

In November 2022, the Ministry of Municipal Affairs approved Official Plan Amendment No. 167 with modifications that, amongst other changes, expanded the City’s urban area. Concurrent with the approval of OPA 167, the Province initiated the process to remove approximately 625 ha of land from the Greenbelt Plan area. In approving OPA 167, as modified, the Province added a policy that no development was to occur within the UBE lands until such time as Secondary Plans had been completed. A secondary planning process typical includes an identification and assessment of natural features (including trees, grouping of trees and woodlands). The assessment would identify which areas should be protected from development. As previously noted in this report, By-law 14-212 was enacted in response to landowners removing woodlands in advance of development approvals. However, By-law 14-212 is applicable to woodlands, and there have been incidences of trees that do not meet the definition of a woodland being removed in advance of any assessment normally done as part of a secondary planning process or development review process regarding the quality of the trees and whether or not they should be retained for incorporation into any future development proposal.

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There are two options to regulate trees that do not form a woodland as defined in By-law R00-054 (Greenbelt Removal lands) and/or By-law 14-212 (Urban Boundary Expansion lands), as follows:

- Create a new by-law to regulate private trees; or,
- Amend the existing by-laws to regulate private trees.

Planning Division staff are currently in the process of finalization of the Urban Forestry Strategy (UFS). In December 2021, Council received the Draft UFS and authorized staff to consult with the public and stakeholders on the Draft UFS. During the consultation on the Draft UFS, staff heard strong support for a city-wide by-law to regulate private trees. As part of the report back on the UFS anticipated for Q2 2023, staff will be seeking authorization to report back to Council on a workplan to develop and consult on options for such a by-law.

In the interim, Report PED23115 is proposing amendments to the City's existing by-laws to expand protection to individual trees within the Urban Boundary Expansion lands and the Greenbelt Removal lands. As there are already by-laws that regulate tree removals in these areas, these existing by-laws could be amended to regulate individual trees and groupings of trees that currently do not meet the applicable definitions of a woodland in the respective by-laws. As the existing by-laws contain a process to obtain permission to remove trees (including exemptions from the provisions of the by-law), fees to obtain the necessary permits, and finally the enforcement process where a tree or tree is removed without the necessary permits, the existing by-laws could be amended to protect trees that do not form a woodland.

The proposed amendments to the Urban Woodlands By-law (By-law 14-212) and the Regional By-law (R00-054) are contained in Appendix "B" and Appendix "C" respectively of Report PED23115. The proposed amendments are based generally on the proposed 2009 by-law and are summarized as follows:

- Add a new schedule to By-law 14-212 to identify the Urban Boundary Expansion lands, as shown on Appendix "D" attached to Report PED23115, and a new schedule to By-law R00-054 to identify the Greenbelt Removal lands, as shown on Appendix "E" attached to Report PED23115;
- Within the Urban Boundary Expansion lands and the Greenbelt Removal lands, extend the by-laws to prohibit, without a permit, the removal of individual trees with a diameter breast height equal to or greater than 20 centimetres; and,
- The by-laws would not apply to the removal of trees that are located within 7.5 meters of an Occupied Building and that are not part of a woodland, or Siberian Elms (*Ulmus pumila*), Norway Maples (*Acer platanoides*), Tree of Heaven

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(*Ailanthus altissima*), or Manitoba Maples (*Acer negundo*) provided the destruction of one or more of the trees does not have the effect of reducing the number of trees in a woodland below the number of trees necessary to constitute a woodland.

The 2009 draft by-law had proposed to regulate trees with a diameter breast height equal to or greater than 40 centimetres. However, based on the review of general vegetation inventories and tree protection plans submitted with development applications and the feedback received during the public consultation on the UFS, staff are recommending that the expanded scope of the by-laws include trees with a diameter breast height equal to or greater than 20 centimetres.

Additional changes to By-Law R00-054 are recommended including adding a definition of “Director” and “Occupied Building”, the addition of Orders to Discontinue, to do work to correct the contravention, or for the City to correct at the expense of the property owner, and that the destruction of one or more trees that reduces the woodland below what would be deemed a woodland be prohibited and inclusive of any species of trees that would be exempt, as contained in By-Law 14-212.

For ease of implementation, no changes are being proposed to the fees, penalties, and permit application process for the by-laws. The fee for review for Urban Woodland is \$264.60 and for Regional Woodland \$158.41.

Permit applications under the Woodland By-laws are accepted through [MLEtrees@hamilton.ca](mailto:MLEtrees@hamilton.ca) or in person at 330 Wentworth Street North. Permits will be reviewed by MLEO-Forestry and may be approved, approved with conditions, or refused.

By-law 14-212 provides for a definition of a farm. The definition is as follows:

“farm” means the premises where a person who has a current and valid farming business registration number under the *Farm Registration and Farm Organization Funding Act, 1993* operates that farming business;

Farm operations, with the exception of the following activities, would be subject to the provisions of By-law 14-212:

- A cultivated fruit or nut orchard;
- A tree nursery;
- A plantation established for the purposes of producing Christmas trees and which is being actively managed and harvested for this purpose;
- A narrow linear strip of trees that defines a laneway or a boundary between fields; or,

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- A plantation established and continuously managed for the sole purpose of complete removal at rotation, in accordance with a Forest Management Prescription.

Based on a preliminary analysis, there are an estimated 587 properties, within the Urban Boundary Expansion lands, the majority of which are either farms or properties less than 1.0 ha in size.

<b>Expansion Area (OPA167)</b>					
Sub-Area	Gross Area (Ha)	Total Properties	Ag/Farm Properties	<1 ha	Ag Property Area (Ha)
Elfrida	1,236	224	64	143	1,035
Twenty Road East	438	176	44	98	302
Twenty Road West	188	113	11	90	131
Whitechurch	341	74	21	46	279
<b>Total</b>	<b>2203</b>	<b>587</b>	<b>140</b>	<b>377</b>	<b>1,747.0</b>

As it relates to the Greenbelt Removal lands, there are approximately 141 properties, the majority of which are either farms or properties less than 1.0 ha in size.

<b>Greenbelt Removal Lands</b>					
Sub Area	Gross Area (Ha)	Total Properties	Ag/Farm Properties	<1 ha	Ag Props Area (Ha)
Book Road	727	113	34	67	572
Whitechurch	64	26	8	13	47
Fifty Road	4	2	1	1	3.5
<b>Total</b>	<b>795</b>	<b>141</b>	<b>43</b>	<b>81</b>	<b>622.5</b>

During the public consultation on the draft Urban Forest Strategy, comments were received supporting the City enacting a City wide private tree by-law. Staff will be reporting back on the Urban Forest Strategy, including seeking direction on developing a workplan and associated resources around developing a private tree by-law in addition to housekeeping and associated technical amendments to the existing tree by-laws in the City of Hamilton applicable to private trees.

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**ALTERNATIVES FOR CONSIDERATION****Alternative 1 – Modified Scope**

Council may choose to amend the scope of the proposed by-law amendments. Staff would note that any amendments that would result in additional properties being captured, for example expanding the geographic scope beyond the UBE or Greenbelt Removal lands, or including farm parcels or smaller properties, would result in increased staff and resourcing impacts beyond what has been accounted for in this report. Staff would recommend that any such changes be referred for consideration to the preparation of a broader, city-wide tree protection by-law, as anticipated in the forthcoming Urban Forest Strategy.

**Alternative 2 – Modified Fees and Penalties**

Council may choose to amend the by-law provisions related to the permit application fees and/or penalties. Staff would recommend that any such changes be referred for consideration to the preparation of a broader, city-wide tree protection by-law, as anticipated in the forthcoming Urban Forest Strategy.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN****Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

**Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23115 – Summary of Existing By-laws  
Appendix “B” to Report PED23115 – Amendments to By-law 14-212  
Appendix “C” to Report PED23115 – Amendments to Regional By-law R00-054  
Appendix “D” to Report PED23115 – Urban Boundary Expansion Lands  
Appendix “E” to Report PED23115 – Greenbelt Removal Lands

**Appendix A: A Summary of the Existing Tree Cutting By-laws for Private Property in Hamilton:**

<b><u>By-law</u></b>	<b><u>Scope</u></b>	<b><u>Permit Required</u></b>	<b><u>Exemptions</u></b>
Town of Ancaster (2000-118) - enacted in 2000.	<p>Applies to public and private lands.</p> <p>Applies to woodlands of 0.2 ha (0.5 acre) in size or more within the Urban Area.</p> <p>Applies to Hamilton Conservation Authority owned and managed lands.</p> <p>Applies to individual heritage trees (dbh of 45 cm or more).</p>	<p>Permit required.</p> <p>No fee.</p> <p>Permit application form submitted 30 days before cutting to occur.</p> <p>Town may require arborist report - officer may inspect.</p> <p>Permit expires after 60 days.</p>	<p>Does not apply to trees destroyed for utility and transportation projects, hazardous trees, or trees destroyed in compliance with an approved Tree Preservation Plan for development sites.</p>
Town of Dundas (4513-99) -enacted in 1999.	<p>Applies to trees of a minimum diameter (0.15m dbh at ground (0.3M)) within Schedule areas, front and side yards, within 6m of road allowance in rear yard of corner lot in Cross-Melville Heritage District, in Open Space Zones, and in Environmentally Significant Areas.</p>	<p>Permit required.</p> <p>\$53.10 per permit</p> <p>No expiry date</p>	<p>Exemptions for trees destroyed using good forestry practices, or according to an approved Tree Preservation Plan for a development site.</p>
Stoney Creek (4401-96) - enacted in 1996.	<p>Applies to all woodlots 0.5 ha or more in size and privately owned lands within the Niagara Escarpment Development Control Area.</p>	<p>Permit required.</p> <p>Permit application form and pay fee - permit expires after 30 days.</p> <p><u>Fees:</u> One tree per calendar year - no fee; 2 to 10</p>	<p>Exemptions for trees destroyed using good forestry practices, diseased, hazardous trees, bonafide farmers, and</p>

## Appendix "A" to Report PED23115

		<p>trees per year - \$25; 11 to 20 trees - \$50; more than 20 trees - \$100.</p> <p>Changed to</p> <p>One tree per calendar year- no fee; 2 to 10 \$26.50; 11 to 20 trees \$53.10; Greater than 20 trees \$105.31</p>	with a minimum DBH.
Region of Hamilton-Wentworth (R00-054) - enacted in 2000.	<p>Applies to private lands only.</p> <p>Applies to woodlots 2 acres (0.81 ha) or more in size across the Region.</p>	<p>Permit (Notice of Intent to Cut) required for destruction of trees.</p> <p>Permit expires 1 year</p> <p>\$158.41</p>	Exemptions for trees destroyed using good forestry practice, or according to an approved Tree Preservation Plan for a development site, or for landowner's own use.
City of Hamilton By-law 14-212	<p>Applies to private lands only.</p> <p>Applies to woodlots 0.49 acres (0.2 ha) or more in size across the Urban Area as defined in the City of Hamilton Urban Official Plan.</p>	<p>Permit (<del>Notice of Intent to Cut</del>) Application required for destruction of trees.</p> <p>Permit expires 1 year</p> <p>\$264.60</p>	Exemptions for trees destroyed using good forestry practice, or according to an approved Tree Preservation Plan for a development site, or for landowner's own use.

**Authority:** Item ,  
Report (XXXXXXX)  
CM:  
Ward: City Wide

**Bill No.**

## **CITY OF HAMILTON**

### **BY-LAW NO. 23-xxx**

#### **To Amend By-law 14-212, To Promote the Conservation and Sustainable Use of Woodlands on Private Property within the Urban Boundary of the City of Hamilton**

**WHEREAS** the City of Hamilton has declared a Climate Change Emergency and trees play an important role in the adaptation and mitigation of Climate Change;

**AND WHEREAS** the City of Hamilton Urban Official Plan recognizes the importance of trees and woodlands to the health and quality of life in our communities and encourages the protection and restoration of trees and forests;

**AND WHEREAS** through the public consultation on the draft Urban Forest Strategy, the residents of Hamilton indicated that better protection for private trees, especially during development, was considered very important and that the City of Hamilton should do more to protect individual trees or groupings of trees that are not regulated by the current Woodlands By-laws;

**AND WHEREAS** it is important to protect trees within future development areas until such time as Secondary Plans including the identification of Natural Heritage Systems have been prepared and adopted by Council;

**AND WHEREAS** this By-law amends By-law No. 14-212;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That the amendments in this By-law include any necessary grammatical, numbering and lettering changes;
2. That Section 1 of By-law 14-212 be amended to add the following definition in alphabetical order:  
  
"Occupied Building" means a permanent structure used or intended to be used for the shelter, accommodation or enclosure of persons for residential, business, institutional or recreational purposes. For the purposes of this By-law, an attached garage shall be deemed to be part of an Occupied Building;
3. That By-law 14-212 be amended by adding the following Section after Section 2:
  - 2a In addition to Section 2 of this By-law, for those lands identified in Schedules "A1", "A2" and "A3" to this By-law, this By-law shall apply to:

- (a) Trees with a diameter breast height equal to or greater than 20 centimetres, except such trees that are:
  - (i) Located within 7.5 metres (25 feet) of the outer edge of an Occupied Building existing at the date of passage of this By-law and do not form part of a woodland; or,
  - (ii) Siberian Elms (*Ulmus pumila*), Norway Maples (*Acer platanoides*), Tree of Heaven (*Ailanthus altissima*), or Manitoba Maples (*Acer negundo*) and the destruction of one or more of the trees does not have the effect of reducing the number of trees in a woodland below the number of trees necessary to constitute a woodland.
  
- 4. That By-law 14-212 be amended by adding the following Section after Section 3:  
  
3a In addition to Section 3 of this By-law, for those lands identified in Schedules "A1", "A2" and "A3" of this By-law, except as otherwise permitted under Sections 5, 6 or 7 of this By-law or Subsections 2a (a) (i) or (ii), no person through their own actions or through the actions of any other person shall injure or destroy any tree with a diameter breast height equal to or greater than 20 centimetres or permit the destruction or injury of any tree with a diameter breast height equal to or greater than 20 centimetres.
  
- 5. That By-law 14-212 be amended by adding the words "and 2a" to Section 5, such that Section 5 will read as follows: "Despite Sections 2 and 2a, this By-law does not apply to.....";
  
- 6. That By-law 14-212 be amended by adding the following words "or a tree or trees identified in Section 2a" after the word "woodland" in: Subsections 5 (c), 5 (d), 5(e), 5 (f), 5 (g), 5(h), 5(i), 5(j), 5(k), 5(l), 5(n); Section 6; and Sections 8 – 12;
  
- 7. That Schedules "A1", "A2" and "A3" to this By-law be added as Schedules "A1", "A2" and "A3" to By-law 14-212;
  
- 8. That in all other respects, By-law 14-212 is confirmed; and,
  
- 9. That the provisions of this By-law shall become effective on the date approved by City Council.

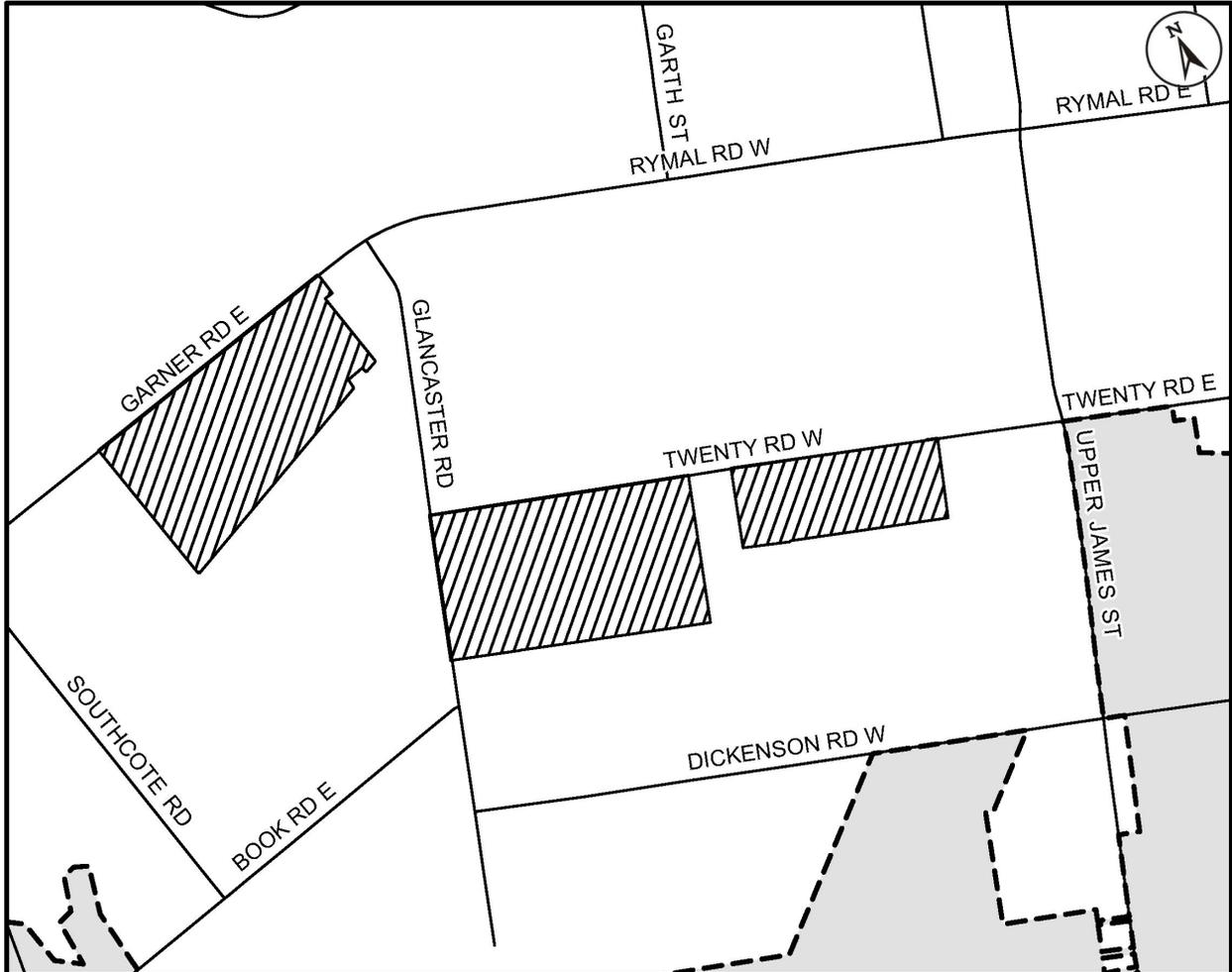
**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

---

A. Horwath  
Mayor

---

A. Holland  
City Clerk



This is Schedule "A1" to By-law No. 23-  
 Passed the ..... day of ....., 2023

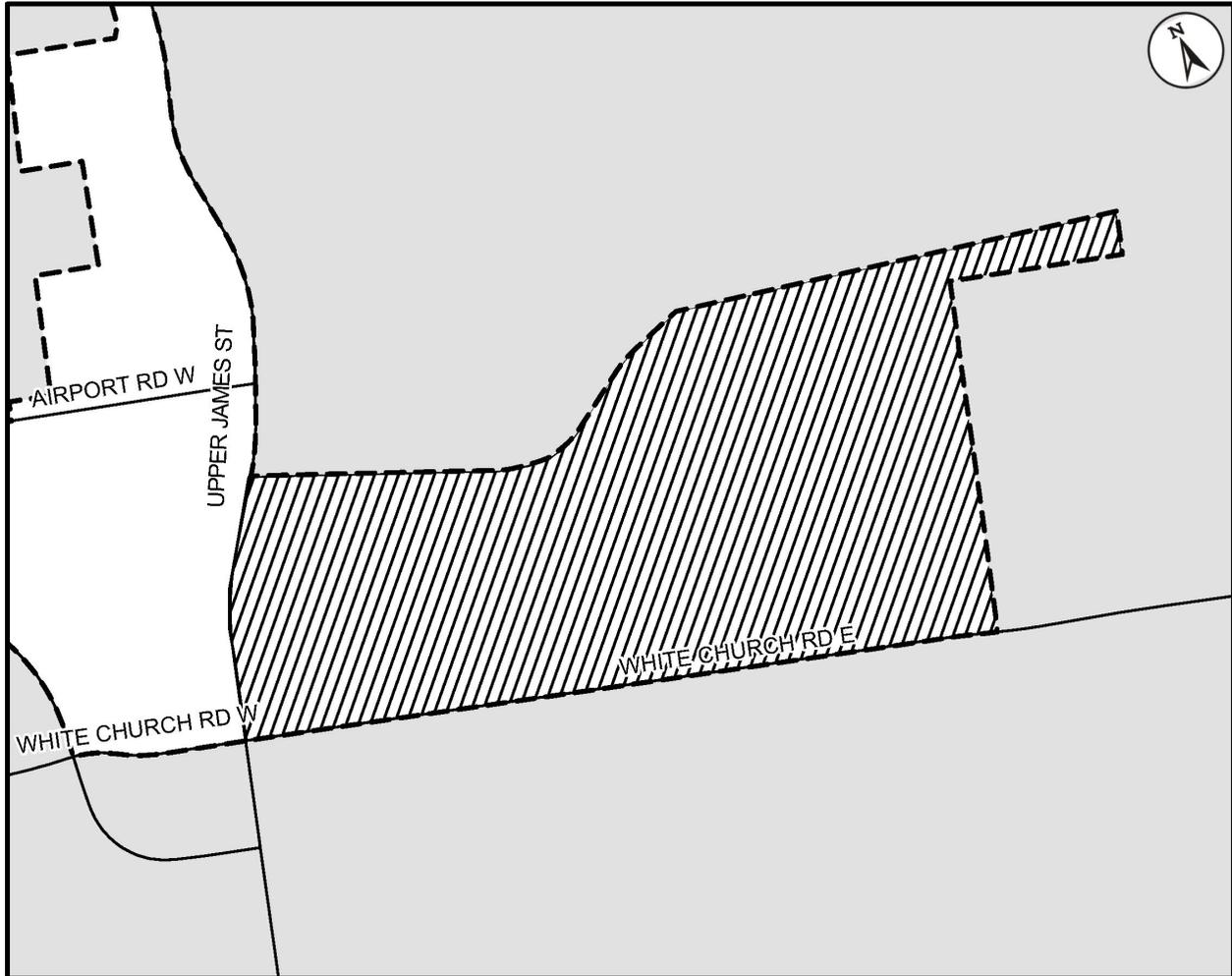
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 Mayor  
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 Clerk

**Schedule "A1"**  
 Map forming Part of  
 By-law No. 23-\_\_\_\_\_  
 to Amend By-law No. 14-212

- Subject Property**
-  Lands Subject to additional Provision for trees, not part of a Woodland
  -  Rural Area
  -  Urban Boundary

Scale: N.T.S	File Name/Number: Tree By-law	
Date: April 24, 2023	Planner/Technician: SR/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Hamilton



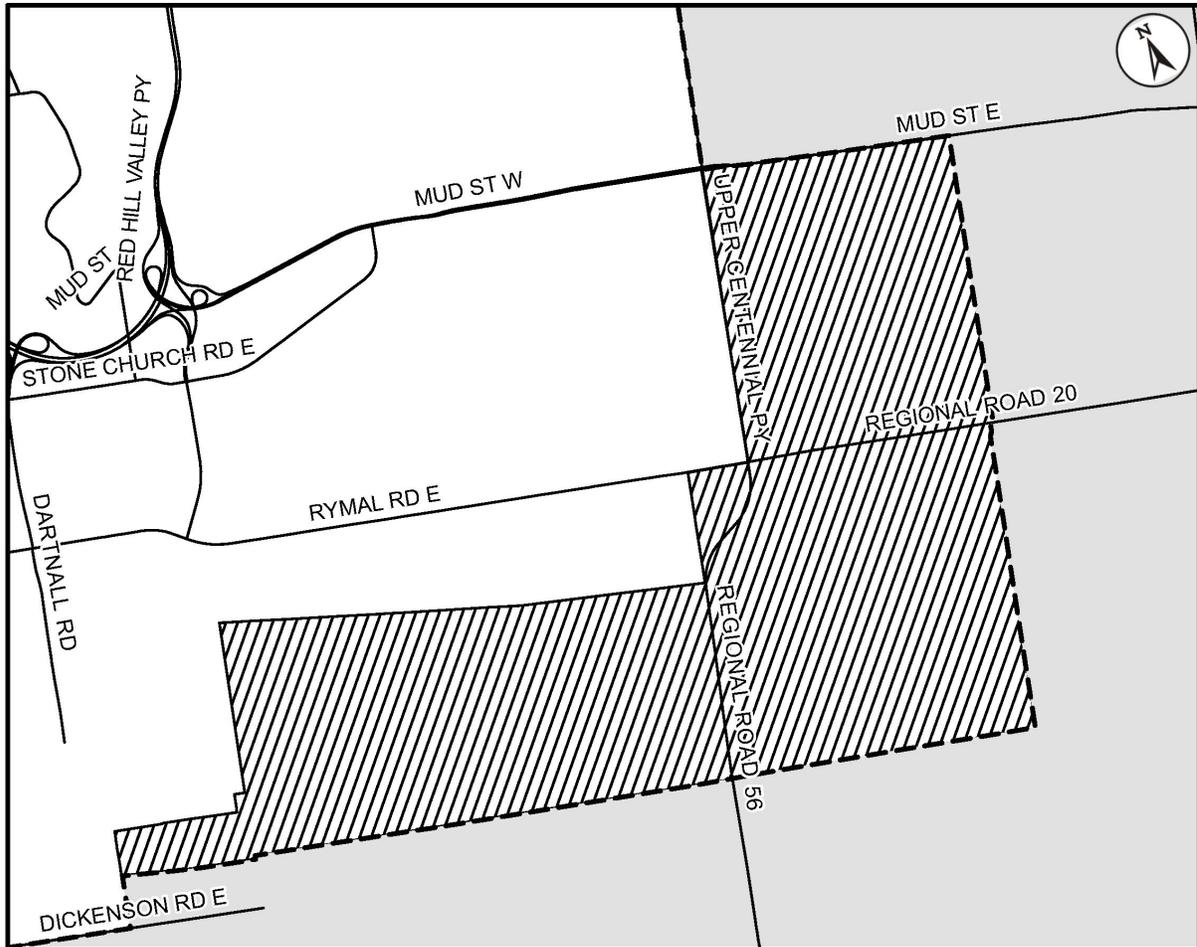
This is Schedule "A2" to By-law No. 23-  
 Passed the ..... day of ....., 2023

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 Mayor  
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 Clerk

**Schedule "A2"**  
 Map forming Part of  
 By-law No. 23-\_\_\_\_\_  
 to Amend By-law No. 14-212

**Subject Property**  
 Lands Subject to additional Provision for trees, not part of a Woodland  
 Rural Area  
 Urban Boundary

Scale: N.T.S	File Name/Number: Tree By-law	
Date: April 24, 2023	Planner/Technician: SR/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		Hamilton



This is Schedule "A3" to By-law No. 23-

Passed the ..... day of ....., 2023

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 Mayor

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 Clerk

**Schedule "A3"**

Map forming Part of  
 By-law No. 23-\_\_\_\_\_

to Amend By-law No. 14-212

- Subject Property**
-  Lands Subject to additional Provision for trees, not part of a Woodland
  -  Rural Area
  -  Urban Boundary

Scale: N.T.S	File Name/Number: Tree By-law
Date: April 24, 2023	Planner/Technician: SR/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



**Authority:** Item ,  
Report  
(XXXXXXX)  
CM:  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**  
**BY-LAW NO. 23-xxx**

**To Amend By-law R00-054, the Regional Municipality of Hamilton-Wentworth Conservation By-law (as amended by By-law 10-013, By-law 14-213, and By-law 17-094)**

**WHEREAS** the *City of Hamilton Act, 1999* did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is successor to the following former area municipalities: the Corporation of the Town of Ancaster, the Corporation of the Town of Dundas, the Corporation of the Town of Flamborough, the Corporation of the Township of Glanbrook, the Corporation of the City of Hamilton, and the Corporation of the City of Stoney Creek and the successor of the former Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the *City of Hamilton Act, 1999*, provides that the By-laws of the former area municipalities and the former Regional Municipality of Hamilton-Wentworth remain in force in respect of the part of the municipal area to which they applied on December 31, 2000, until they expire or are repealed or amended to provide otherwise;

**AND WHEREAS** the City of Hamilton has declared a Climate Change Emergency and trees play an important role in the adaptation and mitigation of Climate Change;

**AND WHEREAS** the City of Hamilton's Rural Official Plan and the Urban Official Plan recognizes the importance of trees and woodlands to the health and quality of life in our communities and encourages the protection and restoration of trees and forests;

**AND WHEREAS** through the public consultation on the draft Urban Forest Strategy, the residents of Hamilton indicated that better protection for private trees, especially during development, was considered very important and that the City of Hamilton should do more to protect individual trees or groupings of trees;

**AND WHEREAS** it is important to protect trees within future development areas until such time as Secondary Plans including the identification of Natural Heritage Systems have been prepared and adopted by Council;

**AND WHEREAS** Sections 8, 9, and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass By-laws necessary or desirable for municipal purposes, and in particular, Paragraph 5 of Subsection 10(2) authorizes By-laws respecting the economic, social, and environmental well-being of the municipality;

**AND WHEREAS** Subsection 135(1) of the *Municipal Act, 2001* provides that the City may prohibit or regulate the destruction or injuring of trees;

**AND WHEREAS** Subsection 135(7) of the *Municipal Act, 2001* provides that the City may require that a Permit be obtained to injure or destroy trees and impose conditions to a Permit, including conditions relating to the manner in which destruction occurs and the qualifications of a person authorized to injure or destroy trees;

**AND WHEREAS** Section 425 of the *Municipal Act, 2001* authorizes the City of Hamilton to pass By-laws providing that a person who contravenes a By-law of the City of Hamilton passed under that Act is guilty of an offence;

**AND WHEREAS** the *Municipal Act, 2001* further authorizes the City of Hamilton, amongst other things, to delegate its authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work.

**AND WHEREAS** this By-law amends By-law No. R00-054;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That the amendments in this By-law include any necessary grammatical, numbering and lettering changes;
2. That By-law R00-054 be amended to add the following recitals after the third AND WHEREAS clause:

**AND WHEREAS** Sections 8, 9 and 10 of the *Municipal Act, 2001*, SO 2001, c.25, as amended (the "*Municipal Act, 2001*") authorize the City of Hamilton to pass By-laws necessary or desirable for municipal purposes, and in particular, Paragraph 5 of Subsection 10 (2) authorizes By-laws respecting the economic, social and environmental well-being of the municipality;

**AND WHEREAS** Subsection 135 (1) of the *Municipal Act, 2001* provides that the City may prohibit or regulate the destruction or injuring of trees

3. That Section 1 of By-law R00-054 be amended to add the following definitions in alphabetical order:

"Director" means the Director, Municipal Law Enforcement, for the City of Hamilton, and any successor or his or her designate;

"Occupied Building" means a permanent structure used or intended to be used for the shelter, accommodation or enclosure of persons for residential, business, institutional or recreational purposes. For the purposes of this Bylaw, an attached garage shall be deemed to be part of an Occupied Building.

4. That the definition of "woodland" in Section 1 of By-law R00-054, as amended, be amended to include the following:

"For the purposes of this By-law, the boundary of the woodland shall be defined by the ecological limit of the woodland and not by private property boundaries and shall include the area up to the drip line of the woodland and any corridors measuring up to 30 metres in width. Where a potential woodland is dissected by a corridor or natural feature such as a creek, the area of the woodland shall be calculated exclusive of the area of the corridor or natural feature."

5. That By-law R00-054 be amended by repealing section 2 and replacing it with the following:
  2. (1) This by-law applies only to woodlands that are equal to or greater than 0.81 hectares (2 acres) within the geographic boundaries of the Regional Municipality of Hamilton-Wentworth under the Regional Municipality of Hamilton-Wentworth Act, R.S.O. 1990 c.R.12
  - (2) In addition to Subsection 2(1) of this By-law, for those lands identified in Schedules "C1", "C2" and "C3" to this By-law, this By-law shall apply to:
    - (a) Trees with a diameter breast height equal to or greater than 20 centimetres, except such trees that are:
      - (i) Located within 7.5 metres (25 feet) of the outer edge of an Occupied Building, existing at the date of passage of this By-law, and do not form part of a woodland; or,
      - (ii) Siberian Elms (*Ulmus pumila*), Norway Maples (*Acer platanoides*), Tree of Heaven (*Ailanthus altissima*), or Manitoba Maples (*Acer negundo*) and the destruction of one or more of the trees does not have the effect of reducing the number of trees in a woodland below the number of trees necessary to constitute a woodland.
  - (3) The provisions of this By-law apply in addition to the provisions contained in any other applicable By-laws of the City of Hamilton or applicable provincial or federal statutes or regulations.
  - (4) In the event of a conflict between this By-law and any other applicable By-law of the City of Hamilton:
    - (i) Where one or more conflicting provisions provides for public health or safety, then the provision which is most protective of public health or safety prevails; or,
    - (ii) Where none of the conflicting provisions provides for public health or safety, then the provision which is most protective of trees prevails.
6. That Subsection 3(1) of By-law R00-054 be amended by adding the words "or individual trees defined in Subsection 2 (2)" after the words "trees in a woodland" such that Subsection 3(1) will read "Except as provided in Section 4, no person shall destroy or permit the destruction by cutting, burning, or other means one or more trees in a woodland or individual trees defined in Subsection 2(2) if:"

7. That Subsection 3(2) of By-law R00-054 be amended by adding the words "or individual trees defined in Subsection 2(2)" after the words "...trees in woodlands" such that Subsection 3.(2) will read as "When cutting or removing or permitting the cutting or removing or one or more trees in woodlands or trees defined in Subsection 2(2)..."
8. That subsection 5.(1) of By-law R00-054 be amended by adding the words "or where individual trees that are defined in Subsection 2 (2) are located" after the words "where woodlands are located" such that Subsection 5.(1) will read as "...of the land where woodlands are located or individual trees that are defined in Subsection 2(2) are located..."
9. That subsection 6.(1) of By-law R00-054 be amended by adding the words "or individual trees that are defined in Subsection 2(2)" after the words "trees from woodlands" such that Subsection 6.(1) will read as "...trees from woodlands or individual trees that are defined in Subsection 2(2)..."
10. That Section 9 be renumbered to Section 12 and the following new Sections 9, 10 and 11 be added to By-law R00-054;

## **ORDERS**

9. (1) If a by-law enforcement officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the property on which the contravention occurred, to discontinue the contravening activity;
- (2) An order under subsection 9 (1) shall set out:
  - (a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and,
  - (b) The date or dates by which there must be compliance with the order, which may be of immediate effect should the by-law enforcement officer determine that the circumstances warrant.
- (3) If a by-law enforcement is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the property on which the contravention occurred, to do work to correct the contravention;
- (4) An order under subsection 9(3) shall set out:
  - (a) Reasonable particulars of the contravention adequate to identify the contravention and the location of property on which the contravention occurred;

- (b) The work to be completed;
  - (c) The date or dates by which the work must be completed; and,
  - (d) Notice that if the order is not complied with, then the work may be done at the expense of the owner.
- (5) Delivery of an order to discontinue a contravening activity made under subsection 9(1), or an order to do work made under subsection 9(3), may be given personally or by registered mail to the last known address of:
- (a) The owner;
  - (b) Such other persons affected by the order as a by-law enforcement officer determines; and,
  - (c) Delivery by registered mail shall be deemed to have taken place five business days after the date of mailing.
- (6) In addition to delivery, in accordance with subsection 9(5), an order to discontinue contravening activity made under subsection 9(1), or an order to do work made under subsection 9(3), may be delivered by a by-law enforcement officer by placing a placard containing the order in a conspicuous place on the property where the contravention occurred;
- (7) Where delivery cannot be given in accordance with subsection 9(5), sufficient delivery is deemed to have taken place when given in accordance with subsection 9(6);
- (8) Where a time frame is set out in an order for carrying out any action, a by-law enforcement officer may extend the time for compliance beyond the established time frame, provided such extension is required and is acceptable to the by-law enforcement officer;

## **CITY CARRYING OUT WORK**

10. (1) Where a person does not comply with a direction or a requirement, including an order, under this By-law to do a matter or thing, the Director, with such assistance by others as may be required, may carry out such direction or requirement at the person's expense;
- (2) Where the costs of doing a matter or thing under subsection 10 (1) are estimated to be:
- (a) Less than \$10,000, the Director may proceed without further approval, and in accordance with the City's Procurement Policy; or,

- (b) \$10,000 or more, the Director may proceed with approval of an authorized person or of Council, and in accordance with the City's Procurement Policy.
  
- (3) The City may recover the costs of doing a matter or thing under subsection 10(1) by action or by adding the costs to the tax roll and collecting them the same manner as property taxes, and such costs shall include an interest rate of 15 per cent commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full. The amount of the City's costs, including interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land;

**ADMINISTRATION AND ENFORCEMENT**

- 11. (1) The Director is authorized to administer and enforce this By-law including but not limited to:
    - (a) arranging for:
      - (i) the assistance or work of City staff, City agents, or the assistance of police officers;
      - (ii) the making of orders or other requirements and the imposition of conditions, as authorized under this By-law;
      - (iii) the obtaining of court orders or warrants, as may be required;
      - (iv) the commencement of such actions on behalf of the City to recover costs or restrain contravention of this By-law, as deemed necessary; and,
    - (b) prescribing the format and content of any forms or other documents required under this By-law.
  - (2) The Director may assign by-law enforcement officers to enforce this By-law, and by-law enforcement officers so assigned or appointed by Council to enforce this By-law shall have the authority to:
    - (a) carry out inspections;
    - (b) make orders or other requirements, as authorized under this By-law; and,
    - (c) give immediate effect to any orders or other requirements made under this By-law.
  - (3) The Director may assign duties or delegate tasks under this By-law to be carried out in the Director's absence or otherwise.
- 
- 11. That Schedules "A1", "A2" and "A3" to this By-law be added as Schedules "C1", "C2" and "C3" to By-law R00-054;
  - 12. That in all other respects, By-law R00-054 is confirmed; and,
  - 13. That the provisions of this By-law shall become effective on the date approved by City Council.

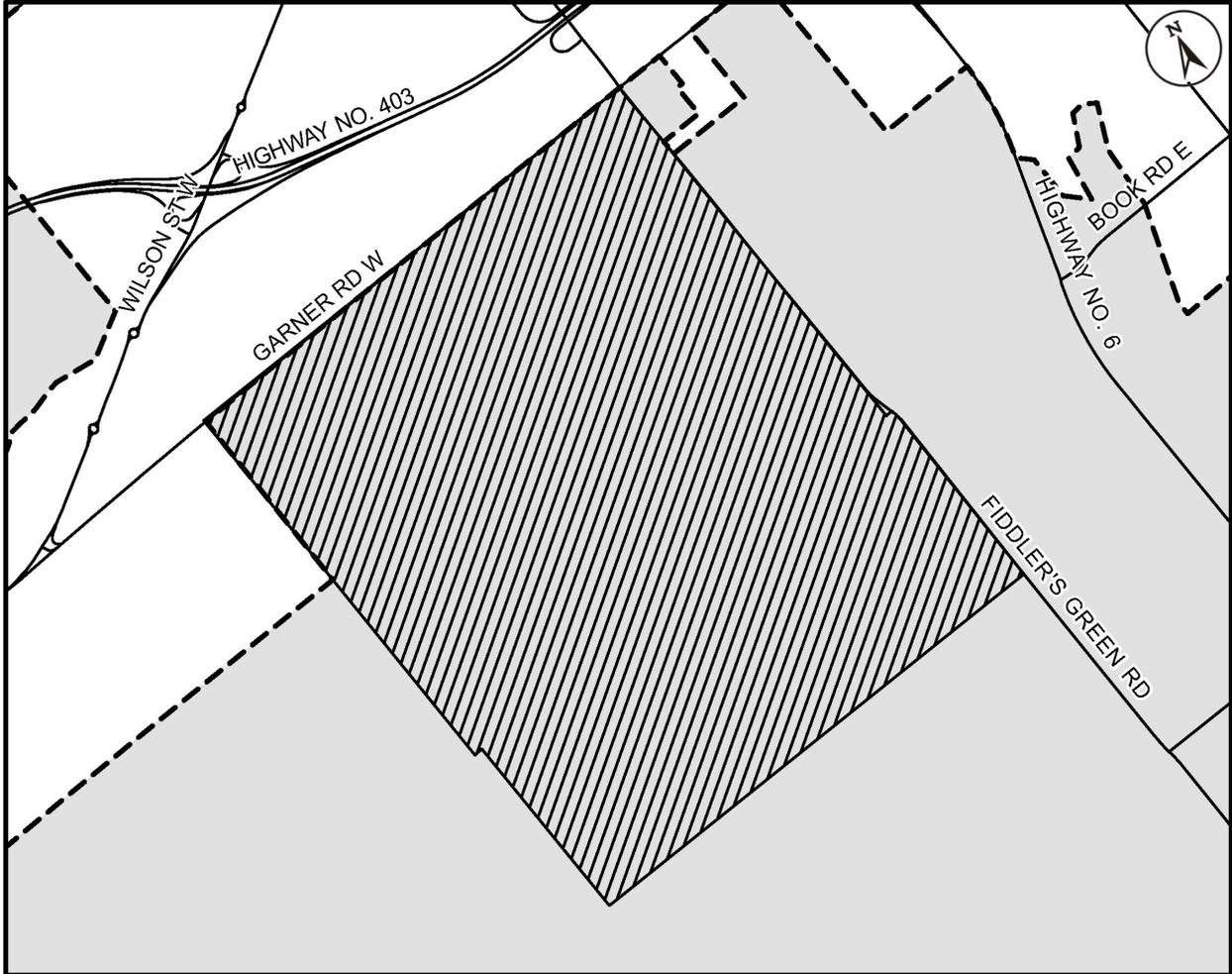
**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

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A. Horwath  
Mayor

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A. Holland  
City Clerk



This is Schedule "A1" to By-law No. 23-  
 Passed the ..... day of ....., 2023

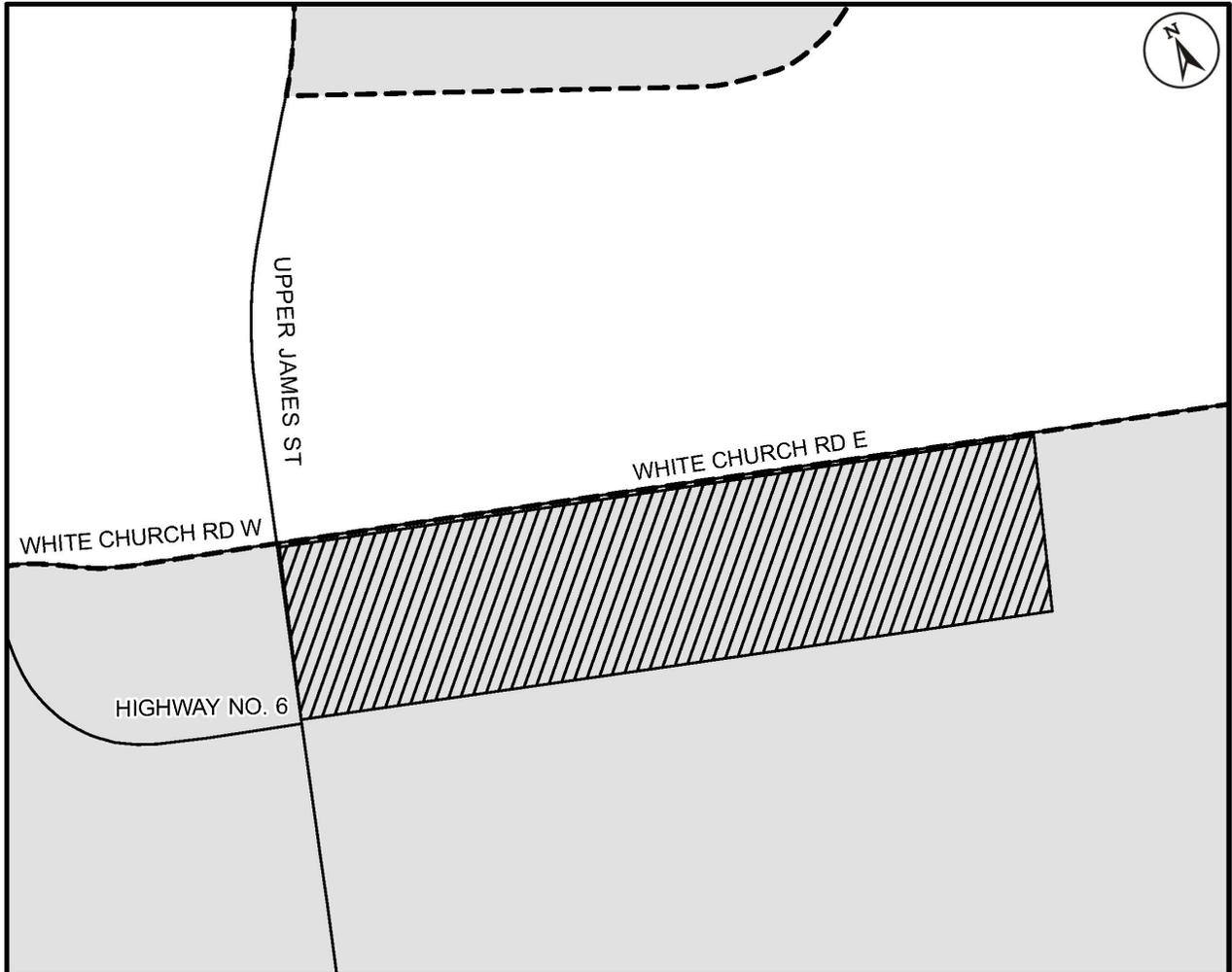
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 Mayor  
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 Clerk

**Schedule "A1"**  
 Map forming Part of  
 By-law No. 23-\_\_\_\_\_  
 to Amend By-law No. R00-054

**Subject Property**  
 Lands Removed from the Greenbelt Plan Area  
 Rural Area  
 Urban Boundary

Scale: N.T.S	File Name/Number: Tree By-law
Date: April 24, 2023	Planner/Technician: SR/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	





This is Schedule "A2" to By-law No. 23-

Passed the ..... day of ....., 2023

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 Mayor

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 Clerk

**Schedule "A2"**

Map forming Part of  
 By-law No. 23-\_\_\_\_\_

to Amend By-law No. R00-054

**Subject Property**

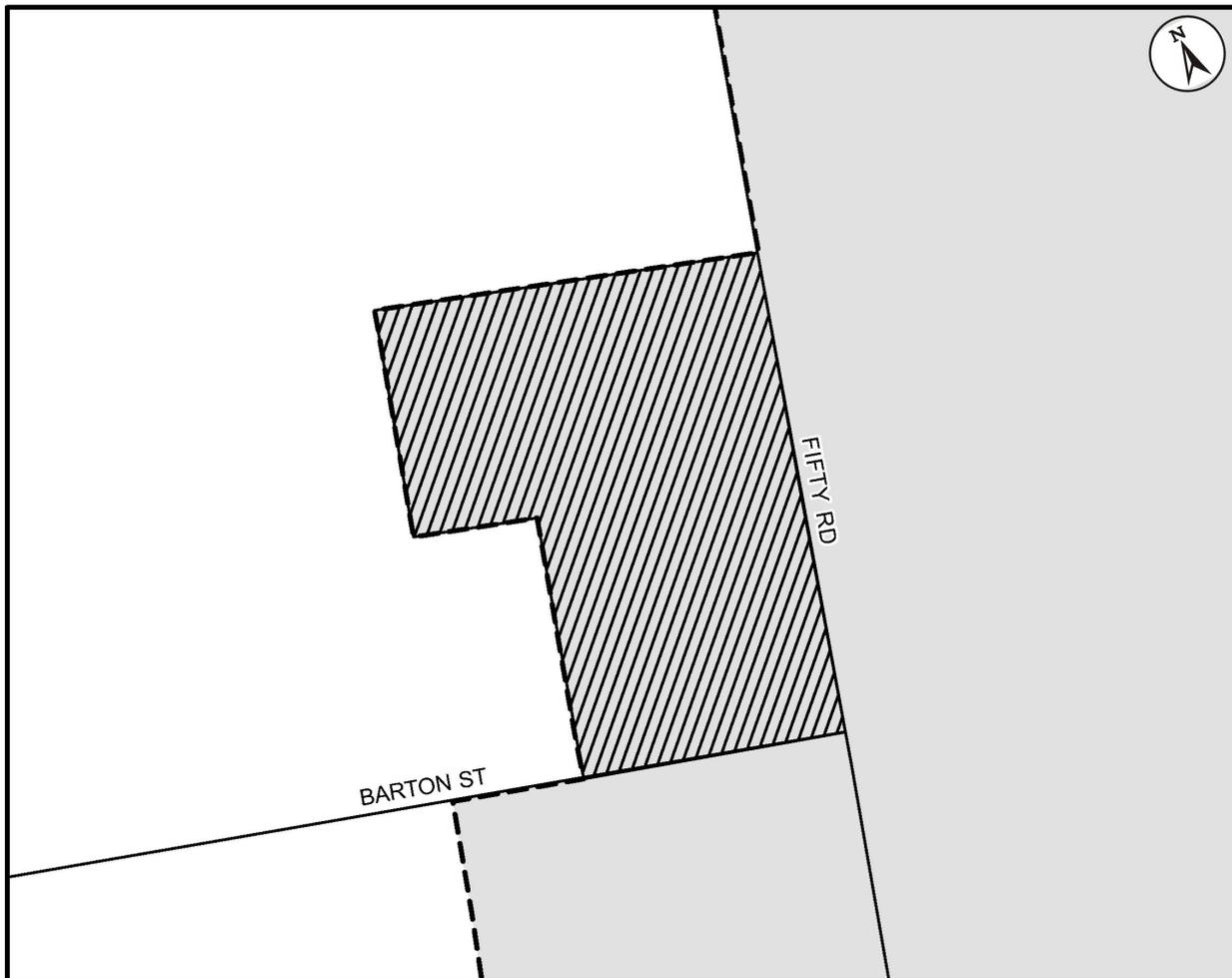
 Lands Removed from the Greenbelt Plan Area

 Rural Area

 Urban Boundary

Scale: N.T.S	File Name/Number: Tree By-law
Date: April 24, 2023	Planner/Technician: SR/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	





This is Schedule "A3" to By-law No. 23-

Passed the ..... day of ....., 2023

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 Mayor

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 Clerk

**Schedule "A3"**

Map forming Part of  
 By-law No. 23-\_\_\_\_\_

to Amend By-law No. R00-054

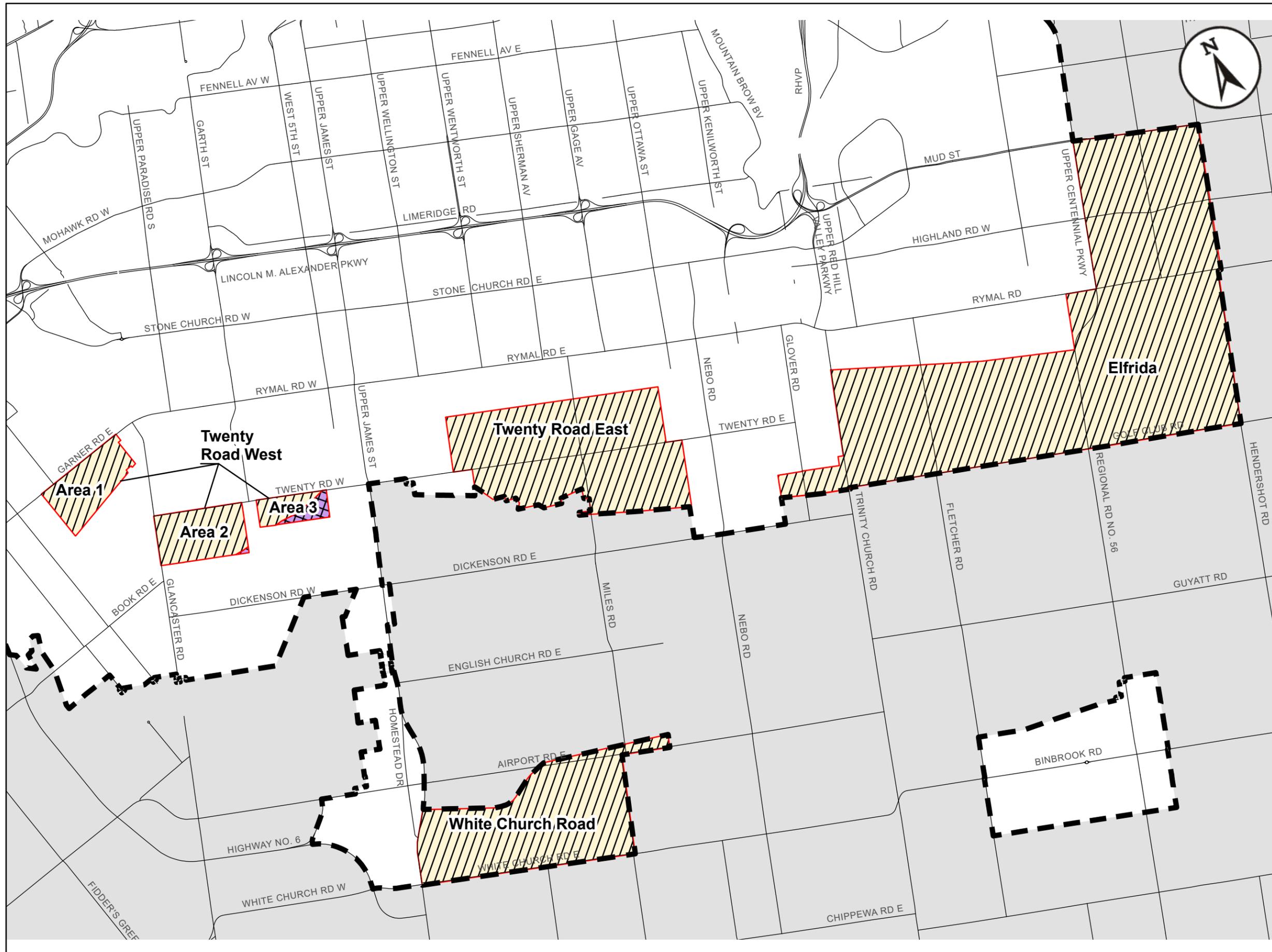
**Subject Property**

 Lands Removed from the Greenbelt Plan Area

 Rural Area

 Urban Boundary

Scale: N.T.S	File Name/Number: Tree By-law	 Hamilton
Date: April 24, 2023	Planner/Technician: SR/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



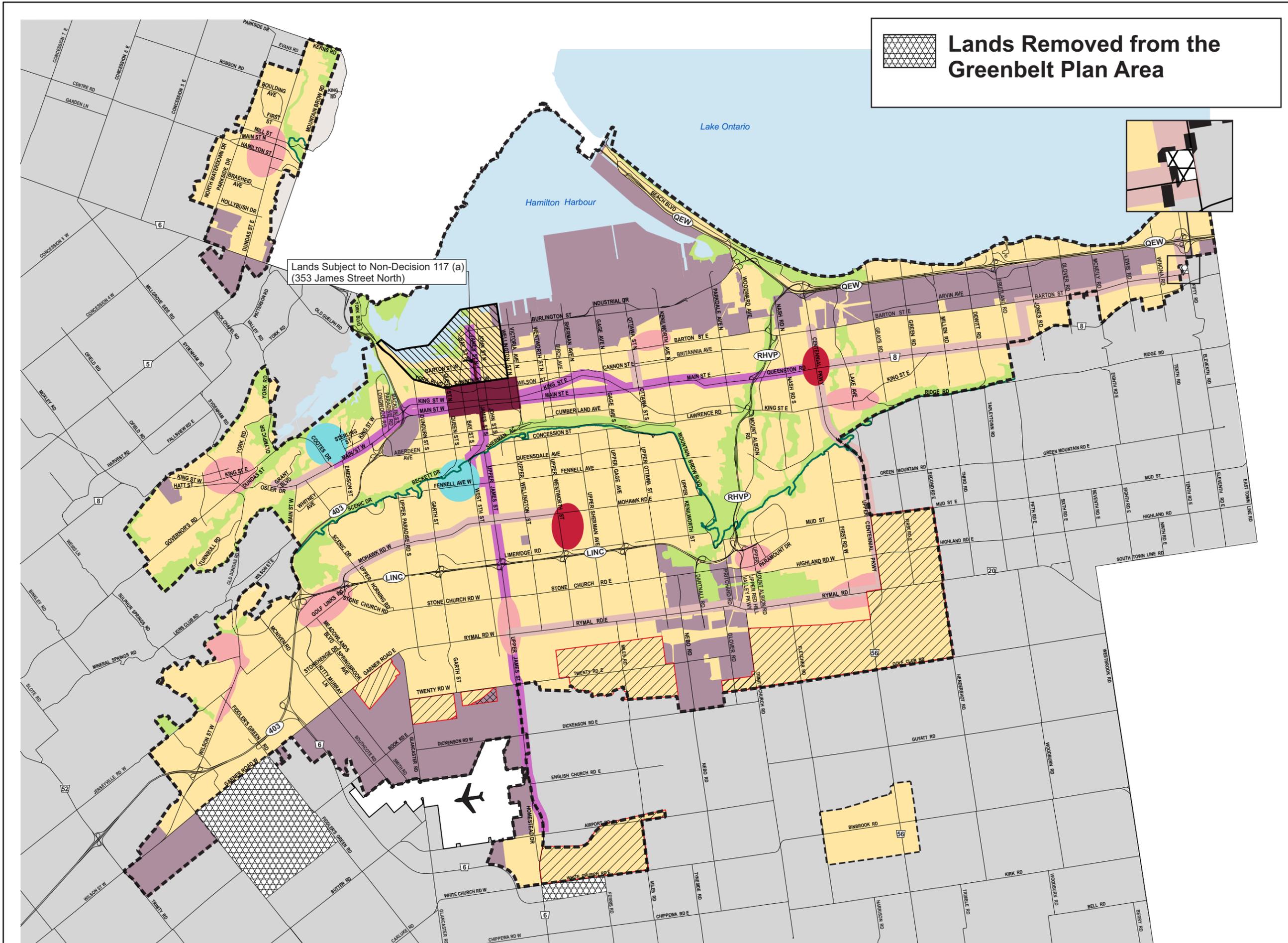
**Legend**

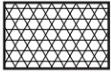
-  Urban Expansion Area - Neighbourhoods
-  Urban Expansion Area - Employment Area
-  Urban Boundary
-  Rural Boundary

<b>Date:</b> March 8, 2023	Map Not To Scale
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**Hamilton**  
 Planning & Economic  
 Development Department



 **Lands Removed from the Greenbelt Plan Area**

Lands Subject to Non-Decision 117 (a)  
 (353 James Street North)

- Legend**
- Urban Structure Elements**
-  Neighbourhoods
  -  Employment Areas
  -  Major Activity Centres
  -  Major Open Space
  -  Urban Expansion Area - Neighbourhoods
  -  Urban Expansion Area - Employment
- Nodes**
-  Downtown Urban Growth Centre
  -  Sub Regional Service
  -  Community
- Corridors**
-  Primary
  -  Secondary
  -  Priority Transit Corridor
- Other Features**
-  Rural Area
  -  John C. Munro Hamilton International Airport
  -  Niagara Escarpment
  -  Urban Boundary
  -  Municipal Boundary
  -  Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009  
 Ministerial Approval: March 16, 2011  
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan  
 Schedule E  
 Urban Structure**

 Not To Scale

 Hamilton



# Hamilton

## HAMILTON MUNICIPAL HERITAGE COMMITTEE

Report 23-004

12:00 p.m.

April 28, 2023

Room 264, 2<sup>nd</sup> Floor, City Hall

**Present:** Councillor C. Kroetsch  
A. Denham-Robinson (Chair), J. Brown, K. Burke, G. Carroll, L. Lunsted, R. McKee and T. Ritchie.

**Absent with  
Regrets:** C. Dimitry and W. Rosart

### THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 23-004 AND RESPECTFULLY RECOMMENDS:

**1. Update on Melville Street Heritage Conservation District Study (PED23083) (Ward 13) (Item 9.2)**

That Report PED23083, respecting an Update on Melville Street Heritage Conservation District Study, be received.

**2. Newly Proposed Provincial Planning Statement and its Cultural Heritage Resource Polices (PED23113) (City Wide) (Item 9.5)**

That Report PED23113, respecting Newly Proposed Provincial Planning Statement and its Cultural Heritage Resource Polices, be received.

**3. Information Update Regarding Heritage Permit Extension HP2023-017 for 98 James Street South, Hamilton (PED23133) (Ward 2) (Item 9.6)**

That Report PED23133, respecting Information Update Regarding Heritage Permit Extension HP2023-017 for 98 James Street South, Hamilton, be received.

**4. Monthly Report on Proactive Listings for the Municipal Heritage Register, April 2023 (PED23101) (Ward 3 and 11) (Item 10.1)**

That staff be directed to list the following properties on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, as outlined in Report PED23101, in accordance with Section 27 of the *Ontario Heritage Act*:

- (a) 448 Barton Street East, Hamilton (Ward 3);
- (b) 460 Barton Street East, Hamilton (Ward 3);
- (c) 681 Main Street East, Hamilton (Ward 3);
- (d) 7156 White Church Road, Glanbrook (Ward 11);

- (e) 7349 Airport Road, Glanbrook (Ward 11);
- (f) 3487 Upper James Street, Glanbrook (Ward 11);
- (g) 8064 White Church Road, Glanbrook (Ward 11).

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

The Clerk advised the Committee of the following changes to the agenda:

**5. COMMUNICATIONS**

- 5.5 Correspondence from Margaret Stowe respecting 99 Creighton Rd

Recommendation: Be received.

- 5.6 Correspondence from Dr. Sarah Sheehan, Chair, Built Environment Hamilton, respecting an Update on Community-led Neighbourhood Inventory Work (Ward 3)

Recommendation: Be received

**6. DELEGATION REQUESTS**

- 6.1 Chris Uchiyama, LHC Heritage Planning & Archeology Inc., respecting the Cultural Heritage Impact Assessment for 99 Creighton Road (for today's meeting)

**9. CONSENT ITEMS**

- 9.4 Inventory & Research Working Group Meeting Notes – February 27, 2023

- 9.5 Newly Proposed Provincial Planning Statement and its Cultural Heritage Resource Policies (PED23113) (City Wide)

- 9.6 Information Update Regarding Heritage Permit Extension HP23023-17 for 98 James Street South, Hamilton (PED23133) (Ward 2)

- 9.7 Heritage Permit Review Sub-Committee Minutes – March 21, 2023

The agenda for April 28, 2023, was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

A. Denham-Robinson declared an interest in Item 5.5, Correspondence from Margaret Stowe respecting 99 Creighton Rd, as she works for an architecture firm involved with the property.

A. Denham-Robinson declared an interest in Item 10.1, Correspondence from Monthly Report on Proactive Listings for the Municipal Heritage, as she has a family member who works for an architectural firm involved with 448 and 460 Barton St. E.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) March 27, 2023 (Item 4.1)**

A. Denham-Robinson noted that the incorrect item number was reflected in her Declaration of Interest at the March 27, 2023 minutes.

The Minutes of March 27, 2023 of the Hamilton Municipal Heritage Committee, were approved, as **amended**, as follows:

**(b) DECLARATIONS OF INTEREST (Item 3)**

A. Denham-Robinson declared an interest in Item **10.1, Council Initiative to Repeal Designation By-laws under Section 31 of the Ontario Heritage Act for Vacant Properties at 14 Belvidere Avenue and 14 Mary Street, Hamilton (PED23038) (Wards 2 and 8)**, as she works for an architecture firm involved with the property.

A. Denham-Robinson relinquished the Chair to G.Carroll, due to Conflict of Interest.

**(d) COMMUNICATIONS (Item 5)**

**(i)** The consideration of the Communication Item 5.5, respecting Correspondence from Margaret Stowe respecting 99 Creighton Rd, was deferred until after the consideration of Item 7.1, Chris Uchiyama, LHC Heritage Planning & Archeology Inc., respecting the Cultural Heritage Impact Assessment for 99 Creighton Road.

**(ii)** The following Communication items were approved, as presented:

**(a)** Correspondence to the Ontario Heritage Trust, Provincial Heritage Registrar, respecting Notice of Passing of By-law No. 23-045 to Designate 66-68 Charlton Avenue West, Hamilton (Ward 2) Part IV of the Ontario Heritage Act (Item 5.1)

Recommendation: Be received

- (b) Correspondence respecting Notice of Council Decision for Heritage Permit Application HP2023-005 for 18 Chilton Place, Hamilton (Ward 2), Durand-Markland Heritage Conservation District, Designated under Part V of the Ontario Heritage Act (Item 5.2)

Recommendation: Be received

- (c) Correspondence to Ontario Heritage Trust respecting Notice of Intention to Repeal Designation By-law Number 83-183 for 14 Belvidere Avenue, Hamilton, under Section 31 of the Ontario Heritage Act (Item 5.3)

Recommendation: Be received

- (d) Correspondence to Ontario Heritage Trust respecting Notice of Intention to Repeal Designation By-law Number 01-225 for 14 Mary Street, Hamilton, under Section 31 of the Ontario Heritage Act (Item 5.4)

Recommendation: Be received

- (e) Correspondence from Dr. Sarah Sheehan, Chair, Built Environment Hamilton, respecting an Update on Community-led Neighbourhood Inventory Work (Ward 3) (Added Item 5.6)

Recommendation: Be received

- (iii) The following Communication item was approved, as **amended**:

- (a) Correspondence from Margaret Stowe respecting 99 Creighton Rd (Added Item 5.5)

Recommendation: Be received **and referred to the Research & Inventory Working Group for report back to the Hamilton Municipal Heritage Committee.**

**(e) DELEGATION REQUESTS (Item 6)**

- (i) The following Delegation Request was approved for today's meeting:

- (i) Chris Uchiyama, LHC Heritage Planning & Archeology Inc., respecting the Cultural Heritage Impact Assessment for 99 Creighton Road (Added Item 6.1)

**(f) DELEGATIONS (Item 7)**

- (i)** Chris Uchiyama, LHC Heritage Planning & Archeology Inc., addressed Committee respecting the Cultural Heritage Impact Assessment for 99 Creighton Road (Added Item 7.1)

The Delegation from Chris Uchiyama, LHC Heritage Planning & Archeology Inc., respecting the Cultural Heritage Impact Assessment for 99 Creighton Road (Added Item 7.1), was received.

A. Denham-Robinson assumed the Chair.

**(g) CONSENT ITEMS (Item 9)**

**(i) Delegated Approval: Heritage Permit Applications (Item 9.1)**

The following Delegated Approval: Heritage Permit Applications, were received:

- (a) Heritage Permit Application HP2023-013: Installation of exterior vents at 232 Highway 8, Flamborough, McKinley-McGinty House (Ward 13) (By-law No. 80-199-H)
- (b) Heritage Permit Application HP2023-011: Installation of Municipal Heritage Designation Plaque at 292 Dundas Street East, Flamborough, Maple Lawn (Ward 15) (By-law No. 22-140)
- (c) Heritage Permit Application HP2023-015: Repairs and Porch Replacement at 314 Wilson Street East, Ancaster (Part IV, Tisdale House) (Ward 12) (By-law No. 17-264)
- (d) Heritage Permit Application HP2023-017: Renewal of previously-approved Heritage Permit Application HP2022-036 for the Redevelopment of 98 James Street South, Hamilton (former James Street Baptist Church) (Ward 2)

**(ii) Education and Communication Working Group Notes – March 1, 2023 (Item 9.3)**

The Education and Communication Working Group Notes – March 1, 2023, were received.

**(iii) Inventory & Research Working Group (IRWG) Meeting Notes – February 27, 2023 (Added Item 9.4)**

The Inventory & Research Working Group (IRWG) Meeting Notes – February 27, 2023, were received.

**(iv) Heritage Permit Review Sub-Committee Minutes – March 21, 2023  
(Added Item 9.7)**

The Heritage Permit Review Sub-Committee Minutes – March 21, 2023, were received.

**(h) DISCUSSION ITEMS (Item 10)**

**(i) Monthly Report on Proactive Listings for the Municipal Heritage Register, April 2023 (PED23101) (Ward 3 and 11) (Item 10.1)**

A. Denham-Robinson relinquished the Chair to G. Carroll, due to Conflict of Interest.

For disposition of this matter, refer to Item 4.

A. Denham-Robinson assumed the Chair.

**(i) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Buildings and Landscapes (Item 13.1)**

Updates to properties can be viewed in the meeting recording.

(a) The property located at 4 Turner Avenue, Hamilton (R), was added to Buildings and Landscapes of Interest (YELLOW); and,

(b) J. Brown will monitor the property.

The following updates, were received:

(a) (Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

**Ancaster**

- (i) 372 Butter Road West, Andrew Sloss House (D) – C. Dimitry
- (ii) 1021 Garner Road East, Lampman House (D) – C. Dimitry
- (iii) 398 Wilson Street East, Marr House (D) – C. Dimitry

**Dundas**

- (iv) 2 Hatt Street (R) – K. Burke
- (v) 216 Hatt Street (I) – K. Burke
- (vi) 215 King Street West (R) – K. Burke
- (vii) 219 King Street West (R) – K. Burke
- (viii) 6 Tally Ho Drive, Dundas (I) – K. Burke

**Glanbrook**

- (viii) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (ix) 80-92 Barton Street East, Former Hanrahan Hotel (R) – T. Ritchie
- (x) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xi) 66-68 Charlton Avenue West (NOID) – J. Brown
- (xii) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – R. McKee
- (xiii) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (xiv) 127 Hughson Street North, Firth Brothers Building (D) – T. Ritchie
- (xv) 163 Jackson Street West, Pinehurst / Television City (D) – J. Brown
- (xvi) 108 James Street North, Tivoli (D) – T. Ritchie
- (xvii) 98 James Street South, Former James Street Baptist Church (D) – J. Brown
- (xviii) 18-22 King Street East, Gore Buildings (D) – W. Rosart
- (xix) 24-28 King Street East, Gore Buildings (D) – W. Rosart
- (xx) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (xxi) 378 Main Street East, Cathedral Boys School (R) – T. Ritchie
- (xxii) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (xxiii) 120 Park Street North (R) – R. McKee
- (xxiv) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (xxv) 100 West 5th Street, Century Manor (D) – G. Carroll

- (b) Buildings and Landscapes of Interest (YELLOW):  
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

Dundas

- (i) 64 Hatt Street, Former Valley City Manufacturing (R) – K. Burke
- (ii) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (iii) 3 Main Street, Former Masonic Lodge (R) – K. Burke
- (iv) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (v) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – W. Rosart

Flamborough

- (vi) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (vii) 62 6th Concession East, Hewick House (I) – L. Lunsted

Hamilton

- (viii) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – T. Ritchie
- (ix) 384 Barton Street East, St. Paul's Ecumenical Church (D) – T. Ritchie
- (x) 134 Cannon Street East, Cannon Knitting Mill (R) – T. Ritchie
- (xi) 52 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xii) 56 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xiii) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (xiv) 54-56 Hess Street South (R) – J. Brown
- (xv) 1000 Main Street East, Dunington-Grubb Gardens / Gage Park (R) – G. Carroll
- (xvi) 1284 Main Street East, Delta High School (D) – G. Carroll
- (xvii) 1 Main Street West, Former BMO / Gowlings (D) – W. Rosart
- (xviii) 311 Rymal Road East (R) – C. Dimitry
- (xix) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (xx) 50-54 Sanders Boulevard, Binkley Property (R) - J. Brown
- (xxi) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (xxii) 84 York Boulevard, Philpott Church (R) – G. Carroll
- (xxiii) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (xxiv) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll

#### Stoney Creek

- (xxv) 77 King Street West, Battlefield House NHS (D) – R. McKee
- (xxvi) 2251 Rymal Road East, Former Elfrida Church (R) – C. Dimitry

- (c) Heritage Properties Update (GREEN):  
(Green = Properties whose status is stable)

#### Dundas

- (i) 104 King Street West, Former Post Office (R) – K. Burke

#### Hamilton

- (ii) 46 Forest Avenue, Rastrick House (D) – G. Carroll
- (iii) 88 Fennell Avenue West, Auchmar (D) – R. McKee
- (iv) 125 King Street East, Norwich Apartments (R) – T. Ritchie
- (v) 206 Main Street West, Arlo House (R) – J. Brown

- (d) Heritage Properties Update (black):  
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

(i) 442, 450 and 452 Wilson Street East (R) – C. Dimitry

**(ii) Heritage Wentworth Heritage Association – Heritage Volunteer Recognition Event Update (Item 13.2)**

A. Denham-Robinson addressed Committee with an update of the Heritage Wentworth Heritage Association – Heritage Volunteer Recognition Event.

The update respecting the Heritage Wentworth Heritage Association – Heritage Volunteer Recognition Event, was received.

**(j) ADJOURNMENT (Item 15)**

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:00 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair  
Hamilton Municipal Heritage Committee

Matt Gauthier  
Legislative Coordinator  
Office of the City Clerk

# CITY OF HAMILTON MOTION

**Planning Committee Date: May 16, 2023**

**MOVED BY COUNCILLOR M. WILSON .....**

**SECONDED BY COUNCILLOR .....**

WHEREAS, in May 2021, amendments were made to the City of Hamilton’s Zoning By-laws to expand permissions for Secondary Dwelling Units;

WHEREAS, a detached SDU (SDU-D) is separate from the main dwelling on a lot, must be constructed in the rear and/or side yard of a lot or may be created from the conversion of an existing accessory building such as a detached garage;

WHEREAS, SDU-Ds can be relatively more affordable to rent than most single-family houses and provide new housing options in areas of our city where housing is generally unaffordable to many people;

WHEREAS,, a wide range of households, particularly older adults looking to downsize, seniors with fixed incomes, homeowners with disabilities or other needs, and multigenerational families could benefit from the flexibility, stability, or supplemental income that a SDU-D provides to meet their evolving household needs;

WHEREAS, many residents remain unsure of the design, construction and permitting process involved in pursuing a SDU-D;

WHEREAS, other jurisdictions in North America have explored various strategies aimed at encouraging the construction of SDU-Ds; and,

WHEREAS, developing and implementing a promotion strategy to accelerate construction and expansion of Accessory Dwelling Units is one of the priority actions contained within the City’s new Housing and Sustainability Investment Roadmap;

**THEREFORE BE IT RESOLVED:**

(a) That to encourage more homeowners to pursue Detached Secondary Dwelling Units (SDU-D’s), that staff report back in on a program to assist homeowners in the SDU-D design and permitting processes, including consideration of measures such as:

(i) Expediting the permitting and approvals process for SDU-Ds through a “one window” dedicated approvals team;

- (ii) Providing access to a library of permit-ready design templates for SDU-Ds;
- (iii) Developing a one-stop SDU-D website that provides a comprehensive inventory of SDU-D information, guidance, resources and summarizes SDU-D regulations and permitting steps;
- (iv) Facilitating connections among prospective SDU-D owners and residents and relevant experts in the design and construction community;
- (v) Partnering with nonprofits, public agencies, and private organizations to develop models for affordable SDU-D construction, using best practices gleaned from other jurisdictions.

# CITY OF HAMILTON MOTION

Planning Committee Date: May 16, 2023

**MOVED BY COUNCILLOR M. TADESON .....**

**SECONDED BY COUNCILLOR .....**

WHEREAS, the City of Hamilton will be extending the existing watermain in Dickenson Road from approximately Miles Road to French Road;

WHEREAS, the purpose of the watermain extension is to provide for system reliability, security of supply and water quality considerations;

WHEREAS, there are approximately 10 properties that front onto Dickenson Road from approximately Miles Road to French Road, that do not qualify for water connection as they are outside the Urban Area and are not on a boundary road separating the Urban Area from the Rural Area;

WHEREAS, a precedent has been set with Ecole Elementaire Michaelle Jean and the former Wills Motors Property, both of which are on Hwy 56, Oak Run Bakery, the Ancaster Fair Grounds and 418 Upper Centennial Parkway all of which are located outside the urban boundary and have been permitted to connect to municipal services at their cost; and,

WHEREAS, the planned municipal waterline will run across the frontage of the properties on Dickenson Road between Miles Road and French Road will have adequate capacity to accommodate residential use at these properties.

**NOW THEREFORE BE IT RESOLVED THAT:**

That single family residential water connections at XXX Dickenson Road, be permitted to connect to City Municipal Water at the property owner’s cost, in a manner acceptable to the City of Hamilton.